SUPREME COURT OF THE UNITED STATES.

No. 42.

THE UNITED STATES, APPELLANTS,

vs.

THE LIBELLANTS AND CLAIMANTS OF THE SCHOONER AMISTAD, HER TACKLE, APPRAREL, AND FURNITURE, TOGETHER WITH HER CARGO AND THE AFRICANS MENTIONED AND DESCRIBED IN THE SEVERAL LIBELS AND CLAIMS.

ON APPEAL FROM THE CIRCUIT COURT OF THE U. S. FOR THE DISTRICT OF CONNECTICUT.

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S. D. Langtree, Print.

DISTRICT OF CONNECTICUT, *ss.*

The President of the United States of America to our Supreme Court of the United States, and to all others whom it may concern, greeting:

Know ye that we have inspected a certain record and decree, remaining among the records of our circuit court of the United States for the district of Connecticut, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*

At a circuit court of the United States of America holden at New Haven, within and for the district of Connecticut, on the last Wednesday of April, A. D. 1840.

Present: honorable Smith Thompson, associate justice of the Supreme Court of the United States.

THOMAS R. GEDNEY and others
vs.
SCHOONER ARMISTAD, &c.

Be it remembered that at the April term of this court, in the year of our Lord one thousand eight hundred and forty, the United States by William S. Holaberd, Esq., their attorney for said district, and also Antonio Tellericas, and the house of Aspe & Lacu of Havannah, in the Island of Cuba, severally appear and produce in this court the record of the process, judgment and decree of the district court of the said United States for said district of Connecticut, in the matter of the schooner Armisted, her cargo, &c., and certain slaves found on board said schooner, and the appeal therefrom to this court, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*

At a district court of the United States of America holden at Hartford, within and for the district of Connecticut, on the 23d day of January, A. D. 1840.

Present: honorable Andrew T. Judson, district judge.

THOMAS R. GEDNEY, &c.
vs.
The SCHOONER AMISTED, &c.

Be it remembered, that heretofore, Thomas R. Gedney and Richard W. Mead, filed in this court a libel, in the words following, to wit:

To the Honorable Andrew T. Judson, Esq., Judge of the District Court of the United States in and for the District of Connecticut.

The libel of Thomas R. Gedney, lieutenant in the United States navy, commanding the United States surveying brig Washington, employed in the service of the United States in the coast survey, and Richard W. Mead, a lieutenant on board said brig, on behalf of themselves and the officers and crew of said brig Washington, and all others interested or entitled, humbly sheweth:

That on the 26th day of August, A. D. 1839, the said libellants being in and with said brig surveying between Montauck Point and Gardner's Island, in the State of New York, discovered a strange and suspicious-looking vessel upon the high seas, to wit, off Culloden Point, near said Montauck Point; that they took possession of said vessel, which proved to be a Spanish schooner called the *the* Armistad, of Havannah, in the Island of Cuba, of about 120 tons burthen; and the same libellants found said schooner was manned by forty-five negroes, some of whom had landed near said point for water; and there were also on board two Spanish gentlemen, who represented, and as the libellants verily believe were, part owners of the cargo and of the negroes on board, who were slaves, belonging to said Spanish gentlemen. That said schooner Armistad sailed, on the 28th day of June, A. D. 1839, from the port of Havannah, bound to a port in the Province of Principe, both in said Island of Cuba, under the command of Raymon Ferrer, as master thereof: that said schooner had on board, and was laden with, a large and valuable cargo, consisting of and amounting to as the libellants verily believe to be, 1 box with 4 fowling-pieces, 1 1 crate, 11 boxes crockery and glass ware, 200 boxes vermacilla, 15 pieces linen stuff, 1 can sugar, 25 bags beans, 25 boxes raisins, 50 horse-equipments, 10 dozen morocco skins, 5 dozen calf skins, 5 saddles, 2 dozen bitts, 200 feet rods, 20 sides sole-leather, 6 iron drums for warehouse, 86 roans, 1 box with 200 wedges, 3 iron kettles, 14 packages common linen, 4 packages Holland linens, 4 dozen parasols or umbrellas, 30 pieces of muslin 10 yards each, 2 dozen half hose, 3 dozen ovens, 21 ingots, 90 pieces Silesia, 2 pieces Victoria, 9 pieces drilling, 34 pieces long lawn, 54 pieces calicoes, 5 pieces laces, 14 pieces muslins, 67 pieces stripes, 24 pieces stripes, 148 pieces ribbons, 10 pieces linen cambric, 45 pieces glazed linen, 4 pieces roco cassimere, 1 dozen shawls, fans, gloves, shirts, tapes, thread, towels, umbrellas, 29 muslin dress-patterns, 16 woolen shawls, 4 silk do., 15 rugs, buttons, saddles, 75 pieces stripes, 48 pieces Silesia, 30 pieces long lawn, 1 piece black handkerchiefs, 7 pieces French linens, 8 dozen linen cambric handkerchiefs, umbrellas, 42 pieces striped bobbins, pieces ribbon, 6 coloured mantles, 40 pieces linen cambric, 800 yards striped linen, 2 pieces merino, 30 dress-patterns, 6 musquito nets, 6 pieces satin, 18 blankets, 1 box hardware, 12 dozen handkerchiefs, 18 pieces coarse linen, 60 volumes books, 2 boxes books, 70 sheets copper, hardware, 50 demi-johns of olive oil, 20 boxes

vermacilla, 20 quintals jerked beef, 15 sides sole-leather, 6 kegs olives, 2 quintals hams, 190 pieces muslins, 26 pieces stripes, 3 pieces brown drilling, 4 pieces linens, 21 pieces colored and fine linen, 11 dozen ladies' hose, 2 dozen belts, 10 dozen linen cambric handkerchiefs, 12 coarse do., and a large quantity of silks, linens, hardware, and provisions, to the amount in all of $40,000, and also money to the sum and amount of about two hundred and fifty dollars; and also fifty-four slaves, to wit, fifty-one male slaves and three young female slaves, who were worth twenty-five thousand dollars: and while on said voyage from Havannah to Principe, the said slaves rose upon the captain and crew of said schooner, and killed and murdered the captain and one of the said crew, and two more of said crew escaped and got away from said schooner: that the two Spaniards on board, to wit, Pedro Montez and Jose Ruiz, remained alive on board said schooner after the murder of the captain, and after the said negroes had taken possession of said vessel and cargo; that their lives were spared to assist in the sailing of said vessel, and it was directed by said negroes that said schooner should be navigated for the coast of Africa. And said Pedro Montez and Jose Ruiz did, accordingly, steer as thus directed and compelled by said negroes, at the peril of their lives, in the day time, and in the night altered their course and steered for the American shore; but after more than two months on the ocean, they succeeded in comeing round Montauk Point; then they were discovered and boarded by the libellants, and the said two Spanish gentlemen begged for and claimed the aid and protection of the libellants. That said schooner was accordingly taken possession of, and recaptured from the hands and possession of said negroes, who had taken the same as aforesaid. That said schooner was brought into port of New London, in the district aforesaid, where she now is; and said schooner would with great difficulty, exposure and danger, have been taken by the libellants, but for the surprise upon the said blacks who had possession thereof, a part of whom were on shore; and but for the aid and assistance and services of the libellants, the said vessel and said cargo would have been wholly lost to the respective owners thereof. That said cargo belongs to diverse Spanish merchants and others, resident in said Island of Cuba, and to the said Pedro Montez and Jose Ruiz, the latter owning most of the slaves.

Now, inasmuch as the said Thomas R. Gedney and said officers and crew have, with so much difficulty and danger, saved said schooner Armistad and said cargo and said slaves, which would otherwise in all human probability have been totally lost to the owners thereof, respectively, will your honour please to order the said vessel, cargo and slaves, now on board said vessel, to be attached and taken by the process of this honorable court, and that a monition issue to all persons concerned, to show cause, if any they have, why a reasonable salvage should not be decreed thereout to the libellants and all others entitled; and that such further and

other steps shall be taken as the course of this honorable court shall direct.

THOS. R. GEDNEY,
Comm. U. S. brig Washington.
By J. ISHAM, *Attorney.*
R. W. MEAD, *Lieut. U. S. N.*

DISTRICT OF CONNECTICUT, *ss.*

District court at New London, August 29th, 1839. Personally appeared Richard W. Mead, and made oath to the truth of the foregoing libel, according to his best knowledge and belief.

Attest: CHS. A. INGERSOLL, *Clerk.*

And said court made an order thereon in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*

District court at New London, August 29th, 1839. This libel is allowed, and the trial thereof is directed to be held at Hartford, in said district, on the 19th day of September, 1839, at 10 o'clock in the forenoon; and the clerk of this court is directed to issue warrant of seizure, monitions, and other process according to law.

Attest: CHS. A. INGERSOLL, *Clerk.*

And on the said 29th day of August, A. D. 1839, a warrant of seizure issued in pursuance of the aforesaid order, and has been duly served and returned into court, by virtue of which said process of seizure the marshal of the aforesaid district, on the 30th day of August, A. D. 1839, took into his custody and keeping the aforesaid described schooner Armistad, her tackle, apparel, and furniture, together with her cargo, libelled as aforesaid, and also the said alleged slaves mentioned and described in said libel.

And on the said 29th day of August, A. D. 1839, process of monition issued in pursuance of the aforesaid order, and the same has been duly served and returned.

And at said district court, holden at Hartford aforesaid, on the 19th day of September, A. D. 1839, proclomation is made in this court by the marshal of the district aforesaid, that if any person claims said schooner Armistad, her tackle, apparel and furniture, or cargo, or said alleged slaves, or any of the articles of personal property libelled as aforesaid, or claims salvage in the same, or can inform this court why a reasonable salvage should not be decreed thereout to the libellants, and all others entitled, let him come forth and he shall be heard.

And thereupon Henry Green and others, of the State of New York, appeared, and filed their claim for salvage in the words following, to wit:

To the Honorable District Court of the United States for the District of Connecticut, setting at Hartford, in the County of Hartford, in said District, the 19th day of September, 1839.

The petition and answer of Henry Green and Peleatiah Fordham, of Sag Harbour, in the county of Suffolk, and State of New York; Schuy-

ler Conklin, of Montauk, in said State; Aaron Fithing, of said place last mentioned; and Seymour G. Sherman, of Bridge Hampton, of said State of New York, would humbly represent: That there is now pending before the court a libel in favor of Thomas R. Gedney and others, against the schooner Amistad and her cargo, bearing date the 29th August, 1839, in which said Gedney and others claim salvage for the rescue of the same from certain persons who had run away with the same, as set forth in said libel. Now your petitioners would give this court to understand that, on the 26th day of August, 1839, they discovered the said schooner Amistad lying near Montauk Point, near the east end of the Island of Long Island; that a number of black persons were seen going to and from said beach to the schooner, under circumstances of great suspicion; that your petitioners, believing said vessel and cargo had been feloniously obtained by said blacks, immediately repaired to said beach, and there believing that something was wrong and illegal about said schooner and said black men as aforesaid, they induced a large number of said black men to come from said schooner to said beach, and the petitioners did then and there represent to said black men that it would not be safe for them to go out to sea with their said schooner, for they would certainly be captured; and that they and all the men remaining on board said schooner, and their said vessel, would be safe in the custody of the petitioners: whereupon the said black men, being at that time about twenty on said beach, did surrender up themselves and their arms, and two trunks, containing money, as they said, to the petitioners, and did agree that the next morning said petitioners might enter into said schooner, and carry her into any neighboring port; and which the petitioners believed and now believe, was a surrender to them of said vessel and cargo; and they say if said black men had not thus been seperated from said vessel and kept on said beach, the said Gedney and others could not and would not have taken the same or said cargo and said blacks; but that in consequence of the facts aforesaid, the said Gedney and others comeing up to said schooner at said time, did enter into and take possession of the same, with said cargo, and did then come to said beach and take said black men and said trunks, then and there being as aforesaid. And the petitioners say they have been as aforesaid the cause of the rescuing and preserving of said schooner and said cargo, at their great risk of life, and are entitled to salvage therefrom, and what appertains thereto, whether vessel, cargo, or slaves. Wherefore, they present this their libel, and their answer to the libel of said Gedney.

Hartford, September 19, 1839.

HENRY GREEN,
PELETIAH FORDHAM,
SCHUYLER CONKLIN,
AARON FITHING,
SEYMOUR G. SHERMAN.

By their attorney: WM. W. ELLSWORTH.

And therefore, also, Jose Ruiz, of Puerto Principe, in the Island of Cuba, appeared and filed his claim to a portion of said slaves, described in said libel, and to a portion of the cargo of said schooner, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

At a district court held for the said district before the honorable Andrew T. Judson, at Hartford, in the said district, on the 19th day of September, A. D. 1839, comes Jose Ruiz, of Puerto Principe, in the Island of Cuba, a subject of her majesty the Queen of Spain, propounds and gives this honorable court to understand and be informed, that the greater part of the cargo and slaves brought on board of the Spanish schooner called the Amestad, of Havanna*h*, in the Island of Cuba aforesaid, against which a libel has been filed in this court by Thomas R. Gedney and Richard W. Mead and others, belonging to the United States brig Washington, and said to have been taken within the jurisdiction of this honorable court, and brought into the port of New London, as set forth in said libel, were, at the time, they were so taken, and now are, the property of this claimant, owned and claimed by him, viz: forty-nine male negro slaves of the value of twenty-two thousand dollars, 10 dozen glass knobs, thirty-nine and a half thousand needles, 48 rolls of wire, 45 bottles essence, 45 maps of the city of Puerto Principe, 13 maps of the city of Puerto Principe, 6 mill rollers, 8 cog wheels, 6 pieces iron, 1 box iron wedges, 3 large iron pots, 1 case containing several pieces of iron, 25 bags Spanish beans, 25 boxes raisins, 20 boxes castile soap, 2 bags of rice, 3 bales containing 500 pounds jerked beef, 50 pairs shirts and pantaloons, 200 boxes vermacilla, 1 box containing 4 percussion guns, 1 box containing books, 5 boxes containing ribbons, 1 package of quills and other small articles of merchandise of the value of three thousand five hundred dollars: and this claimant further shows, that of the aforesaid slaves nine died before the said schooner Amistad was taken by the aforesaid brig Washington, one after such takeing, and this deponent has been informed and believes that three others have died since. That the other property above specified of this claimant has been injured, damaged, and lessened in value, but to what extent this claimant does not know, and leaves this honorable court to assertain if they should so think fit. And this claimant further shows, that all of the aforesaid slaves were by him legally purchased and owned in Havanna aforesaid, where slavery is tolerated and allowed by law. That this deponent did, on the 28th day of June last past, sail from Havanna, with such slaves and cargo, his property, to Guanaja, another port in the Island of Cuba aforesaid, in the aforesaid Spanish schooner Amistad, when such slaves rose upon the captain (whom they murdered,) the crew and this claimant and took possession of said schooner, which schooner was brought by this claimant and one Pedro Montez to the coast of the United States, and

was there taken as aforesaid. And this claimant humbly insists that the aforesaid slaves, the property of this claimant, and his other property above specified and as contained in said libel, ought by the laws and usages of nations and of these United States of America, and according to the treaty between Spain and these United States of America, to be restored to this claimant without diminution and entire. And this deponent leaves this honorable court to determine whether the said libellants are entitled to any salvage or compensation in the premises. Wherefore the said claimant prays the advisement of this honorable court in the premises, and after proper process herein, that this court should decree the aforesaid slaves and other property of this claimant to be delivered to him or to the representatives of her Catholic majesty, as may be most proper in the premises.

JOSE RUIZ.

R. J. INGERSOLL,
WM. HUNGERFORD,
JOHN B. PURSOY,
Attorneys and of council for claimant.

And thereon, also, Pedro Montez, of Puerto Principee, in the Island of Cuba, appeared and filed his claim to a portion of said slaves described in said libel, and to a portion of the cargo of said schooner, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

At a district court held for the said district, beforet he honorable Andrew T. Judson, Esq., at Hartford, in said district, on the 19th day of September, A. D. 1839, comes Pedro Montez, of Puerto Principee, in the Island of Cuba, a subject of her magesty the Queen of Spain, propounds and gives this honorable court to understand and be informed, that the hereinafter mentioned part of the cargo of the Spanish schooner Amstad, of Havanna, in the Island of Cuba aforesaid, against which a libel is filed in this court by Thomas R. Gedney, Richard W. Mead and others, belonging to the United States brig Washington, said to have been taken within the jurisdiction of this honorable court, and brought into the port of New London, as set forth in said libel, was, at the time it was so taken, and now is, the property of this claimant, owned and claimed by him, viz: three black girls, and a black boy, the slaves and property of the claimant and of the value of one thousand three hundred dollars; four boxes merchandise containing 26 pieces of Hamburgh listings, 182 pieces of muslin, three pieces of drillings, three pieces of India goods, two pieces estapillas, one piece French goods, four dozen cambric handkerchiefs, 12 dozen cambric handkerchiefs, four cambric shirts, half a dozen silk under handkerchiefs, 14 dozen stockings and twenty pieces cambrics, of the value

of eight hundred dollars. And this claimant shows that the property of this claimant above specified (with the exception of the slaves) has been injured, damaged, and lessened in value, but to what extent this claimant does not know, and leaves this honorable court to ascertain if they should think fit. And this claimant further shows that all the aforesaid slaves were by him legally purchased and owned in Havanna aforesaid, where slavery is tolerated and allowed by law. That this deponent did on the 28th day June last past, sail from Havanna with such slaves and cargo, his property, to Guanaja, another port in the Island of Cuba aforesaid, in the aforesaid schooner Amistad, when some slaves on board of said schooner rose upon the captain whom they killed, upon the crew and this claimant, and took possession of said schooner, which schooner was brought by this claimant and one Jose Ruiz, to the coast of the United States, and was there taken as aforesaid: and this claimant humbly insists that the aforesaid slaves the property of the claimant and his other property above specified, and as contained in said libel, ought by the laws and usages of nations and of these United States of America, and according to the treaty between Spain and these United States of America, to be restored to this claimant without diminution and entire. And this claimant leaves this honorable court to determine whether the said libellants are entitled to any salvage or compensation in the premises. Wherefore, the said claimant prays the advisement of this honorable court in the premises, and after proper process herein, that this court should decree the aforesaid slaves and other property of this claimant, to be delivered to him or to the representatives of her most Catholic majesty, as may be most proper in the premises.

PEDRO MONTEZ.
R. J. INGERSOLL,
WM. HUNGERFORD,
JOHN B. PURSOY.
Attorneys and of council for claimants.

And at a special district court of the United States of America holden at Hartford, within and for the district aforesaid, on the 18th day of September, A. D. 1839, by order of the district judge, Jose Ruiz, of Puerto Principe, in the Island of Cuba, filed in this court a libel in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

To the Honorable Andrew T. Judson, Esq., Judge of the District Court for said District.

The libel and complaint of Jose Ruiz, of Pueto Principe, in the Island of Cuba, a subject of her majesty the Queen of Spain, humbly shows, that on the 28th day of June last past, this libellant embarked

on board of the Spanish schooner Amistad, whereof one Ramon Ferrer was master, and shipped on board of said schooner, which sailed from Havana aforesaid, to the port of Guanaja, another port in the Island of Cuba, the following goods and merchandise and property belonging to and owned by this libellant, viz: 10 doz. glass knobs, 39 and a half thousand needles, 48 rolls of wire, 45 bottles of essence, 45 maps of the city of Puerto Principe, 13 maps of the city of Puerto Principe, 6 mill rollers, 8 cog wheels, 6 peices of iron, 1 box iron wedges, 3 large iron pots, 1 case containing several peices of iron, 25 bags of Spanish beans, 25 boxes raisins, 20 boxes castile soap, 2 bags rice, 3 bales containing 500 pounds jerked beef, 50 pairs of shirts and pantaloons, 200 boxes vermacilla, 1 box containing 4 percussion guns, 1 box containing books, 5 boxes containing ribbons, one package of quills and other small articles of merchandise, the whole being of the value of three thousand five hundred dollars; and likewise forty nine black male slaves, named and known in Havanna aforesaid, as follows: Antonio, Simon, Jose, Pedro, Martin, Manuel, Andey, Edwards, Celedonia, Burtolono, Ramia, Augustin, Evaristo, Casamero, Merchoi, Gabriel, Santorion, Escolastico, Rascual, Estanislao, Desidero, Nicholas, Estevan, Tomas, Cosme, Luis, Bartolo, Julian, Federico, Salustiano, Ladislao, Celestino, Epifanio, Eduardo, Benancico, Felepe, Francisco, Hipoleto, Berreto, Isidoro, Vecente, Deconisco, Apolonio, Esequies, Leon, Julio, Hipoleto and Zenon, of whom several have died, as this deponent is informed and believes, and the survivors of them this libellant is informed are known at present by the names following: Cinque, Burnah 1st, Carpree, Dammah, Fourrie 1st, Shumah, Conomah, Choolay, Burnah 2nd, Baah, Cabbah, Poomah, Kimbo, Peea, Bang-ye-ah, Saah, Carlee, Parale, Morrah, Yahome, Narquor, Quarto, Sesse, Con, Fourrie 2nd, Kennah, Lammane, Fajanah, Faah, Yahboy, Faquannah, Berrie, Fawnu, Chockammaw and Gabbow, which said slaves were and are now the property of this libellant, and are of the value of twenty-two thousand dollars. That on the first day of July last past, as they were proceeding in the voyage aforesaid, the aforesaid slaves arose upon the aforesaid captain, the crew, this libellant, and one Pedro Montez. They murdered the captain and the cook, took possession of the aforesaid schooner and compelled this libellant and the said Pedro Montez, to steer towards Africa, but this libellant and the said Montes contrived to bring them to the coast of the United States. That after having been at sea about two months, and on the 26th day of August last past, when said schooner was at anchor off Culloden Point, near Montauck Point, they were taken by the United States surveying brig Washington, commanded by Lieutenant Thomas R. Gedney, and brought into New London, in the district aforesaid, where said schooner now is. And this libellant further shows, that a libel has been filed in this honorable court by the aforesaid Thomas R. Gedney, Lieutenant Richard W. Mead, and others,

belonging to the aforesaid United States brig Washington. And this libellant further shows that all of the aforesaid slaves were by him legally purchased and owned in Havanna aforesaid, where slavery is tolerated and allowed by law as in all parts of the said Island of Cuba. And this libellant humbly insists that the aforesaid slaves, the property of this libellant, and his other property above specified, ought, by the laws and usages of nations and of these United States of America, and according to the treaties between Spain and these United States, to be restored to this libellant without diminution and entire; wherefore your libellant prays that the said Gedney, Mead, and others, belonging to said brig Washington, may be subjected to answer this libel with costs, and that process of attachment and proceedings may be issued against the aforesaid slaves and other property of this libellant, according to law, all this being within the jurisdiction of this honorable court, and that after proper process this honorable court should decree the aforesaid slaves and other property of this libellant, to be delivered to him or to the representatives of her Catholic majesty in these United States, as may be most proper in the premises. And this libellant will ever pray, &c.,

JOSE RUIZ.
R. J. INGERSOLL.
WM. HUNGERFORD.
J. B. PURSOY.
Attorneys and of council for the libellants.

DISTRICT OF CONNECTICUT.
Special District Court, at Hartford, Sept. 18th, 1839.

Personally appears Jose Ruiz, the signer of the foregoing libel, and made oath to the truth of the allegations set forth in said libel, according to his best knowledge and belief.

Attest: CHAS. A. INGERSOLL, *Clerk.*

And said court made an order thereon, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*
Special District Court, at Hartford, Sept. 18th, 1839.

This libel is allowed, and the trial thereof is directed to be held at Hartford, within and for the district aforesaid, on the 19th day of September, 1839, at 10 o'clock, A. M.; and the clerk of this court is directed to issue a warrant of seizure and other process, according to law.

Attest: CHAS. A. INGERSOLL, *Clerk.*

And on said 18th day of September, A. D. 1839, a warrant of seizure issued in pursuance of the aforesaid order, and has been duly served and returned into court; by virtue of which said warrant

of seizure, the marshall of the aforesaid district, on the 18th day of September, A. D. 1839, took into his custody and keeping so much of the property mentioned in the foregoing libel as was found on board the said schooner Armistad at the time he took possession of said schooner, in the libel of Thomas R. Gedney and others, and also the surviving slaves mentioned in the foregoing libel. And on the said 18th day of September, A. D. 1839, process of monition issued in pursuance of the aforesaid order, returnable to an adjourned term of said district court, to be holden at Hartford, in said district, on the 19th day of November, A. D. 1839, and the same has been duly served and returned.

And at a special district court of the United States of America, holden at Hartford, within and for the district aforesaid, on the 18th day of September, A. D. 1839, by order of the district judge, Pedro Montez, of Puerto Principee, in the Island of Cuba, filed in this court a libel, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

To the Honorable Andrew T. Judson, Esq., Judge of the District Court for said District.

The libel and complaint of Pedro Montez, of Puerto Principee, in the Island of Cuba, a subject of her majesty the Queen of Spain, humbly sheweth, that, on the 28th day of June last past, this libellant embarked on board of the Spanish schooner Amistad, whereof one Ramon Ferrer was master, and shipped on board of said schooner, which sailed from Havana aforesaid to the port of Guanaja, another port in the Island of Cuba, the following goods, and merchandise, and property, belonging to and owned by this libellant, viz: Four bozes of merchandise, containing 26 pieces of Hamburgh listings, one hundred eighty-two pieces muslin, three pieces of drillings, three pieces of India goods, 2 pieces estopillas, 1 piece French goods, 4 dozens of cambric handkerchiefs, 12 dozens of cambric handkerchiefs, 4 cambric shirts, half dozen silk India handkerchiefs, 14 dozen of stockings, and 20 pieces of cambric—being in all of the value of eight hundred dollars; and likewise, three black female slaves, a black boy, also a slave, being the property of this libellant; which said girls and boy were named and known in Havanna aforesaid as follows: Juana, Francisca, Josefa, and and who are known at present by the names following, viz: Teme, Kagna, Mahgra, and Carria; which said slaves were, and are now, the property of this libellant, and are of the value of one thousand three hundred dollars. That on the first day of July last past, as they were proceeding on the voyage aforesaid, some slaves arose upon the aforesaid captain, the crew, this libellant, and one Jose Ruiz; they murdered the captain and the cook, took possession of the said schooner, compelled this libellant and the said Jose Ruiz

to steer towards Africa, but this libellant and the said Ruiz contrived to bring them to the coast of the United States; and, after having been at sea about two months, on the 26th day of August last past, when said schooner was at anchor off Culloden Point, near Montauk Point, they were taken by the United States surveying brig Washington, commanded by Lieutenant Thomas R. Gedney, and brought into New London, in the district aforesaid, where said schooner now is. And this libellant further shows, that a libel has been filed in this honorable court by the aforesaid Thomas R. Gedney, Lieutenant Richard W. Mead, and others, belonging to the aforesaid United States brig Washington. And this libellant further shows, that all of the aforesaid slaves were by him legally purchased and owned in Havanna aforesaid, where slavery is tolerated and allowed by law, as in all parts of the said Island of Cuba. And this libellant humbly insists, that the aforesaid slaves, the property of this libellant, and his other property above specified, ought by the laws and usages of nations and of these United States of America, and according to the treaties between Spain and these United States, to be restored to this libellant, without diminution, and entire. Wherefore, your libellant prays that the said Gedney, Mead, and others, belonging to said brig Washington, may be subjected to answer this libel, with costs, and that process of attachment and proceedings may be issued against the aforesaid slaves and other property of this libellant, according to law, all this being within the jurisdiction of *of* this honorable court; and that, after proper process, this honorable court should decree the aforesaid slaves and other property of this libellant to be delivered to him or to the representatives of her Catholic majesty in these United States, as may be most proper in the premises; and the libellant will ever pray, &c.

PEDRO MONTEZ.
R. J. INGERSOLL, & HUNGERFORD,
Attorneys and council for the libellants.

DISTRICT OF CONNECTICUT, *ss.*
Special District Court, at Hartford, Sept. 18th, 1839.

Personally appeared Pedro Montez, the signer of the foregoing libel, and made oath to the truth of the allegations set forth in said libel, according to his best knowledge and belief.

Attest: CHAS. A. INGERSOLL, *Clerk.*

And said court made an order thereon, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*
Special District Court, at Hartford, Sept. 18th, 1839.

This libel is allowed, and the trial thereof is directed to be held at Hartford, within and for the district aforesaid, on the 19th day of

September, 1839, at 10 o'clock, A. M.; and the clerk of this court is directed to issue warrant of seizure and other process, according to law.

Attest: CHAS. A. INGERSOLL, *Clerk.*

And on said 18th day of September, A. D. 1839, a warrant of seizure issued, in pursuance of the aforesaid order, and has been duly served and returned into court; by virtue of which said warrant of seizure the marshal of the aforesaid district, on the 18th day of September, A. D. 1839, took into his custody and keeping so much of the property mentioned in the foregoing libel as was found on board the said schooner Armistad at the time he took possession of said schooner, on the libel of Thomas R. Gedney and others, and also the said slaves, mentioned in the foregoing libel.

And on the said 18th day of September, A. D. 1839, process of monition issued, in pursuance of the aforesaid order, returnable to an adjourned term of said district court, to be holden at Hartford, in said district, on the 19th day of November, A. D. 1839, and the same has been duly served and returned.

And at the district court of the United States holden at Hartford, in said district, on the 19th day of September, A. D. 1839, the United States filed in this court a libel and claim, in the words following, to wit:

DISTRICT OF CONNECTICUT.

At a special District Court holden at Hartford,
September 19th, A. D. 1839.

THOMAS R. GEDNEY, &c.
vs.
SCHOONER AMISTAD. } Libel.

Be it remembered, that on this the 19th day of September, in the year of our Lord one thousand eight hundred and thirty-nine, into the district court aforesaid, comes Wm. S. Holabird, attorney for the United States for the district aforesaid, who, for the United States, gives this court to understand that since the libel aforesaid of Thomas R. Gedney and others was filed in this court, to wit, within the present month of September, in the year of our Lord one thousand eight hundred and thirty-nine, the duly accredited minister of the United States of her Catholic majesty the Queen of Spain, has officially presented to the proper department of the United States Government a claim, which is now pending, upon the United States, setting forth that the vessel aforesaid, called the Amistad, and her cargo aforesaid, together with certain slaves, on board the same vessel, all of them being the same as described in the libel aforesaid, are the property of Spanish subjects, and that said vessel, cargo, and slaves, while so being the property of said Spanish subjects, arrived within the jurisdictional limits of the United States, and were taken possession of by the said public armed

brig of the United States, under such circumstances as make it the duty of the United States to cause the same vessel, cargo, and slaves, being the property of said Spanish subjects, to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the treaty now subsisting between the United States and Spain. Now the attorney aforesaid, in behalf of the United States, prays this honorable court, on its being made legally to appear that the claim aforesaid of the Spanish minister aforesaid is well founded, and is conformable to the treaty aforesaid, that this court make such order for the disposal of the said vessel, cargo, and slaves, as may best enable the United States in all respects to comply with their treaty stipulations, and preserve the public faith inviolate. But if it should be made to appear that the persons aforesaid, described as slaves, are negroes and persons of color who have been transported from Africa, in violation of the laws of the United States, and brought within the United States contrary to the same laws, the said attorney, in behalf of the United States, claims that in such case this honorable court will make such further order in the premises as may enable the United States, if deemed expedient, to remove such persons to the coast of Africa, to be delivered there to such agent or agents as may be authorized to receive and provide for them, pursuant to the laws of the United States in such case provided, or to make such other order as to this honorable court shall seem fit, right, and proper in the premises.

W. S. HOLABIRD,
U. S. Dist. Attorney for the District of Connecticut.

Upon which said libel and claim of the said United States, a warrant of seizure issued by order of court, dated the 19th day of September, A. D. 1839, and has been duly served and returned into court; by virtue of which said warrant of seizure the marshall of the aforesaid district, on the 19th day of September, A. D. 1839, took into his custody and keeping all the persons named in the said libel and claim, as slaves, or negroes, or persons of color, they being the same that were taken into his custody and keeping in the warrant which issued in the libel of the said Gedney and others, except those who died previous to his receiving the warrant which issued in the aforesaid libel and claim of the United States. And the said court of the 19th day of September, A. D. 1839, was adjourned to the 19th day of November, A. D. 1839, then to be holden at Hartford in said district.

And at said district court, holden at Hartford aforesaid, on the 19th day of November, A. D. 1839, the United States, by William S. Holabird, Esq. their attorney, filed in this court a separate libel and claim, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*

At a special district court holden at Hartford on the 19th day of November, A. D. 1839.

THOMAS R. GEDNEY and others
vs.
SCHOONER AMISTAD.

Be it remembered, that on the 19th day of November, A. D. 1839, William S. Holaberd, attorney for the United States for the district aforesaid, for and in behalf of the United States, gives this court to understand, that the duly accredited minister of her Catholic majesty the Queen of Spain, to the United States, has officially presented to the Government of the United States a claim which is now pending, upon the United States, setting forth and averring that said vessel, called the Amistad, and her cargo aforesaid, together with certain slaves on board of the same vessel, all of them being the same as described in the libel aforesaid, are the property of Spanish subjects, and that said vessel, cargo, and slaves, while so being the property of said Spanish subjects, arrived within the jurisdictional limits of the United States and of this court, and were taken possession of by said public armed brig of the United States, under such circumstances as make it the duty of the Government of the United States to cause said vessel, cargo, and slaves, being the property of the said Spanish subjects, to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the treaty now in full force between the United States and Spain.

Now said attorney, in behalf of the United States, prays this honorable court, that in case the claims aforesaid of the Spanish minister aforesaid, is well founded and conformable to the treaty aforesaid, that this court will make such order for the disposal of said vessel, cargo, and slaves, as may best enable the United States to comply with the treaty stipulations, and preserve the faith of the government.

W. S. HOLABERD,
U. States District Attorney.

And at said term of said district court, holden at Hartford aforesaid, on the 19th day of November, A. D. 1839, Antonio G. Vega, the vice consul of Spain, resident in the city of Boston, in the United States, filed in this court his certain claim, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

At a district court holden for said district before the Hon. Andrew T. Judson, at Hartford, within and for said district, on the nineteenth day of November, A. D. 1839, comes Don Antonio G. Vega, vice consul of her Catholic majesty for this and other States, propounds

brig of the United States, under such circumstances as make it the duty of the United States to cause the same vessel, cargo, and slaves, being the property of said Spanish subjects, to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the treaty now subsisting between the United States and Spain. Now the attorney aforesaid, in behalf of the United States, prays this honorable court, on its being made legally to appear that the claim aforesaid of the Spanish minister aforesaid is well founded, and is conformable to the treaty aforesaid, that this court make such order for the disposal of the said vessel, cargo, and slaves, as may best enable the United States in all respects to comply with their treaty stipulations, and preserve the public faith inviolate. But if it should be made to appear that the persons aforesaid, described as slaves, are negroes and persons of color who have been transported from Africa, in violation of the laws of the United States, and brought within the United States contrary to the same laws, the said attorney, in behalf of the United States, claims that in such case this honorable court will make such further order in the premises as may enable the United States, if deemed expedient, to remove such persons to the coast of Africa, to be delivered there to such agent or agents as may be authorized to receive and provide for them, pursuant to the laws of the United States in such case provided, or to make such other order as to this honorable court shall seem fit, right, and proper in the premises.

W. S. HOLABIRD,
U. S. Dist. Attorney for the District of Connecticut.

Upon which said libel and claim of the said United States, a warrant of seizure issued by order of court, dated the 19th day of September, A. D. 1839, and has been duly served and returned into court; by virtue of which said warrant of seizure the marshall of the aforesaid district, on the 19th day of September, A. D. 1839, took into his custody and keeping all the persons named in the said libel and claim, as slaves, or negroes, or persons of color, they being the same that were taken into his custody and keeping in the warrant which issued in the libel of the said Gedney and others, except those who died previous to his receiving the warrant which issued in the aforesaid libel and claim of the United States. And the said court of the 19th day of September, A. D. 1839, was adjourned to the 19th day of November, A. D. 1839, then to be holden at Hartford in said district.

And at said district court, holden at Hartford aforesaid, on the 19th day of November, A. D. 1839, the United States, by William S. Holabird, Esq. their attorney, filed in this court a separate libel and claim, in the words following, to wit:

DISTRICT OF CONNECTICUT, *ss.*

At a special district court holden at Hartford on the 19th day of November, A. D. 1839.

THOMAS R. GEDNEY and others
vs.
SCHOONER AMISTAD.

Be it remembered, that on the 19th day of November, A. D. 1839, William S. Holaberd, attorney for the United States for the district aforesaid, for and in behalf of the United States, gives this court to understand, that the duly accredited minister of her Catholic majesty the Queen of Spain, to the United States, has officially presented to the Government of the United States a claim which is now pending, upon the United States, setting forth and averring that said vessel, called the Amistad, and her cargo aforesaid, together with certain slaves on board of the same vessel, all of them being the same as described in the libel aforesaid, are the property of Spanish subjects, and that said vessel, cargo, and slaves, while so being the property of said Spanish subjects, arrived within the jurisdictional limits of the United States and of this court, and were taken possession of by said public armed brig of the United States, under such circumstances as make it the duty of the Government of the United States to cause said vessel, cargo, and slaves, being the property of the said Spanish subjects, to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the treaty now in full force between the United States and Spain.

Now said attorney, in behalf of the United States, prays this honorable court, that in case the claims aforesaid of the Spanish minister aforesaid, is well founded and conformable to the treaty aforesaid, that this court will make such order for the disposal of said vessel, cargo, and slaves, as may best enable the United States to comply with the treaty stipulations, and preserve the faith of the government.

W. S. HOLABERD,
U. States District Attorney.

And at said term of said district court, holden at Hartford aforesaid, on the 19th day of November, A. D. 1839, Antonio G. Vega, the vice consul of Spain, resident in the city of Boston, in the United States, filed in this court his certain claim, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

At a district court holden for said district before the Hon. Andrew T. Judson, at Hartford, within and for said district, on the nineteenth day of November, A. D. 1839, comes Don Antonio G. Vega, vice consul of her Catholic majesty for this and other States, propounds

and gives this honorable court to understand and be informed, that there now is in the custody of the marshall of the district aforesaid, one Antonio Ferrer, who was on board of the Spanish schooner Amistad, of Habana, of the Island of Cuba aforesaid, against which a libel has been filed in this court by Thomas R. Gedney and others, as seized and taken by said Gedney and others of the brig Washington, within the jurisdiction of this court, and brought into the port of New London, as set forth in said libel. That said Antonio Ferrer, at the time he was so brought into said district, was and now is the lawful property of the legal representatives of one Ramon Ferrer, who was the captain and commander of said schooner Amistad, and who was murdered, as stated in the libel now pending before this court; the said vice consul would inform this court that the said Antonio Ferrer, the slave and property as aforesaid of said representatives, wishes to return to the Island of Cuba, to the keeping and possession of the said representatives of the said Ramon Ferrer, there to remain the property of said representatives as aforesaid, and a subject of her Catholic majesty the Queen of Spain.

Wherefore the said claimant prays the advisement of this honorable court in the premises, and that this court will make such a decree as shall release the said Antonio from the custody of the marshall of the district, and place him within the custody, keeping, and possession of the aforesaid consul, so as to enable said consul to return him, the said Antonio Ferrer, to his lawful owner in said Island of Cuba.

ANTONIO G. VEGA.

And at said term of said district court, holden at Hartford aforesaid, on the 19th day of November, A. D. 1839, Cinques and others, Africans, so in custody of the marshall as aforesaid, filed their certain plea to the jurisdiction of this court, in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

To the honorable Andrew T. Judson, Esq., Judge of the District Court of the United States, for the District of Connecticut.

The several plea of Sinqua, Burnah 1st, Dammah, Fourrie 1st, Shumah, Connova, Chooley, Burnah 2d, Baah, Cabbah, Poomah, Kimbo, Secah, Bangyeah, Saah, Carlee, Parle, Monah, Nahquiz, Qaato, Sessee, Con, Fourrie 2d, Kinmah, Larmanea, Fajanah, Yabboy, Faquannah, Berrie, Fawnei, Chochoman, Gabbo, Carre, Teme, Kene, Mahgra, Africans, now in the custody of the marshal of said district under color of process issued from this honorable court on the 29th day of August, A. D. 1839, against the schooner Amistad, and the articles of personal property on board of her, then lying in the harbor of New London, in said district, on the libel of Thomas R. Gedney, a lieutenant in the United States navy, commanding the

United States brig Washington, in the service of the United States in the coast survey, and on behalf of Richard W. Meade, a lieutenant on board said brig, and the officers and crew thereof, and all others interested, or entitled, claiming salvage to be awarded them by this honorable court as for a meritorious service in seizing and securing the respondents, and holding them as slaves to certain Spaniards belonging to the Island of Cuba, named in said libel. And also under process of this honorable court, issued and served at Hartford, on the 18th day of September, 1839, while the respondits were in custody of the marshal of said district as aforesaid, and within the body of the county of Hartford, and within said district and State of Connecticut, on the libel and claim of Wm. S. Holabird, Esq., district attorney of the United States for the district of Connecticut, and on the libels respectively of Pedro Montez and Jose Ruiz: the said respondents severally by protestation, not *not* confessing or acknowledging any of the matters and things in said several libels to be true as therein alleged for plea, thereto respectively say: that they are severally natives of Africa, and were born free, and ever since have been and still of right are and ought to be free and not slaves, as is in said several libels pretended or surmised; that they were never domiciled in the Island of Cuba, or the dominions of the Queen of Spain, or subject to the laws thereof; that on or about the 15th day of April, 1839, they and each of them were, in the land of their nativity, unlawfully kidnapped and forcible and wrongfully carried on board of a certain vessel near the coast of Africa, then and there unlawfully engaged in the slave trade, by certain persons to them unknown, and were thence in said vessel, contrary to the will of these respondents, unlawfully transported to the Island of Cuba, for the unlawful purpose of being there sold as slaves, and were there illegally landed for the purpose aforesaid. That Jose Ruiz, one of said libellants, well knowing all the premises, and confederating with the persons by whom the respondents were unlawfully held as aforesaid, and intending to deprive them of their liberty, made a pretended purchase of the said respondents, except the said Carri, Teme, Keni, and Mahgra; and that the said Pedro Montez, well knowing the premises, and confederating in like manner with the said persons for the purpose aforesaid, made a pretended purchase of the said Carri, Teme, Keni, and Mahgra; that said pretended purchases were made from persons who had no right whatever to the respondents or any of them, and were null and void, and conferred no title on the said Ruiz or Montez, or right of control over the respondents or either of them. That afterwards, on or about the 28th day of June, 1839, the said Ruiz and Montez, confederating with each other, and with one Raymon Ferrer, now deceased, captain of said schooner Amistad, caused the respondents, severally, without law or right, to be placed by force on board of said schooner, to be transported with said Ruiz and Montez, to some place unknown to these respondents, and there severally enslaved for life. That the respondents, being treated on

board said vessel by said Ruiz and Montez and the captain and crew thereof, with great cruelty and oppression, and being of right free as aforesaid, were incited by the love of liberty natural to all men, and by the desire of returning to their families and kindred, to take possession of said vessel while navigating the high seas as aforesaid, near said Island of Cuba, as they had right to do, with the intent to return therein to their native country, or to seek an asylum in some free State, where slavery did not exist, in order that they might enjoy their liberty under the protection of its government. That the said schooner, on or about the 26th day of August, 1839, arrived, in the possession of the repondents, at Culloden Point, near Montaug, and was there anchored within about 3-4 of a mile of the shore, and within the territorial jurisdiction of the State of New York. That the respondents, Sinqua, Carlee, Dammah, Bahoo, Monah, Nabyuio, Quahto, Con, Fajanah, Berrie, Gabbo, Foola, and others, while said schooner lay at anchor as aforesaid, went on shore within said State of New York, to procure provisions and other necessaries, and while there, within the jurisdiction of a free State, where slavery does not exist, and under the protection of its laws, the respondents were severally seized, as well those who were on shore as aforesaid, as those who were on board of and in possession of said schooner, and were by the said Lieutenant Gedney, his officers, and crew of said United States brig Washington, forcibly and unlawfully taken at the instance of the said Spaniards, Ruiz and Montez, with intent to keep and secure them as slaves for the said Ruiz and Montez respectively, and to obtain an award of salvage therefor from this honorable court as for a meritorious act; that for that purpose the said respondents were by said Lieutenant Gedney and his crew, forcible and unlawfully withdrawn from the jurisdictional limits of the State and district of New York, *were* they were seized as aforesaid, and brought to the port of New London, in the district of Connecticut, where they were taken into custody of the marshall, on process issuing on the libel of said Lieutenant Gedney as aforesaid, and were by said marshall confined in the goal in the city of New Haven in said district, and subsequently in the goal in the city of Hartford, and were, while so confined, within the body of said district and State of Connecticut, subjected to the further process of this honorable court on the several libells and claims subsequently filed aforesaid. Wherefore the respondents severally say that neither by the constitution or laws of the United States, or any treaty pursuant thereto, nor by the law of nations, doth it appertain to this honorable court to exercise any jurisdiction over the persons of these respondents, or any of them, by reason of any proceedings aforesaid; and they severally pray to be hence dismissed and suffered to be and remain as they of right ought to be, free and at liberty from the process of this honorable court, under which and under color of which they are holden as aforesaid.

By STAPLES AND BALDWIN.

And at a term of the said district court, holden at New Haven, in said district, on the 7th day of January, A. D. 1840, to which time and place the premises by regular continuance came, the said Cinques, and others, Africans, who on the 19th day of November, A. D. 1839, filed their plea to the jurisdiction of this court, by consent of the court, withdraw the same, and in lieu thereof, file their claim in the words following, to wit:

UNITED STATES OF AMERICA,
District of Connecticut, ss.

Special District Court holden at Hew Haven, in said District, on the 7th of January, 1840.

To the Honorable Andrew T. Judson, Judge of the District Court of the United States, in and for the District of Connecticut.

The several answer of Cinqua, Burnah 1st, Dammah, Fourrie 1st, otherwise called Fouleian, Shuma, Conoma, otherwise called Ndzhaulee, Choolay, Burnah 2d, Baah, Poona, Kimbo, Peah, Bangyeali, Saah, Carle, Parli, Monah, Nalqure, Qauto, Sesse, Con, otherwise called Keooney, Fourrie 2d, otherwise called Fouli-wa-he, Kennah, Lamana, Fajanah, Yahboy, Faquanah, Berne, Fawna, Chockaman, Gabbo, otherwise called Galabara, Carri, Teme, Kene, and Mahgue, Africans, now in the custody of the marshal of said district, under color of process issued from this honorable court, on the 29th day of August, 1839, against the schooner Amistad, and the articles of personal property on board of her, then lying in the harbor of New London, in said district, on the libel of Lieutenant Thomas R. Gedney, a lieutenant in the United States navy, commanding the United States brig Washington, in the service of the United States, in the coast survey, and on behalf of Richard W. Mead, a lieutenant on board said brig, and the officers and crew thereof, and all others interested or entitled, claiming salvage to be awarded to them by this honorable court, as for a meritorious service in seizing and securing the respondents, severally, and holding them as slaves to certain Spaniards belonging to the Island of Cuba, named in said libel, and also under process of this honorable court issued, and served at Hartford, on the 18th day of September, 1839, while the respondents were in custody of the marshal of said district as aforesaid, viz: at Hartford, within the body of the State and district of Connecticut, on the libel and claim of William S. Hollabird Esq., United States district attorney, for said district of Connecticut, and the libels respectively of Pedro Montez and Jose Ruiz, and also under process of this honorable court, issued at Hartford aforesaid, on the 19th day of November, 1839, on the claim and representation of the district attorney, then and there made and filed. The said respondents severally, by protestations, not admitting or acknowledging that the Government of the United States, or any department, court, or office thereof, hath jurisdiction over the persons of these respondents, or any of them by reason of any of the

allegations and procedings aforesaid, and not confessing or acknowledging any of the matters and things, in the libellant's said several libels and claims, to be true in manner and form as the same are therein and thereby alledged, appear before this honorable court, and for answer to the several libels, claims, and representations aforesaid, severally say: that they and each of them are natives of Africa, and were born free, and ever since have been and still of right are and ought to be free and not slaves, as is in said several libels or claims pretended or surmised; that they were never domiciled in the Island of Cuba, or in the dominions of the Queen of Spain, or subject to the laws thereof; that on or about the 15th day of April, 1839, they and each of them were, in the land of their nativity, unlawfully kidnapped, and forcibly and wrongfully, by certain persons to them unknown, who were then and there unlawfully and piratically engaged in the slave trade, between the coast of Africa and the Island of Cuba, contrary to the will of these respondents, unlawfully, and under circumstances of great cruelty transported to the said Island of Cuba, for the unlawful purpose of being sold as slaves, and were there illegally landed for the purpose aforesaid. That Jose Ruiz, one of the said libellants, well knowing all the premises, and confederating with the persons by whom the respondents were unlawfully taken and holden as aforesaid, and intending to deprive the respondents severally of their liberty, made a pretended purchase of the said respondents except the said Carro, Teme, Kene and Mahgru, and that the said Pedro Montez, also well knowing all the premises, and confederating with the said persons for the purpose aforesaid, made a pretended purchase of the said Carri, Teme, Kene and Mahgru; that said pretended purchase were made from persons who had no right whatever to the respondents or any of them, and that the same were null and void, and conferred no right or title on the said Ruiz, or Montez, or right of control over the respondents, or either of them. That afterwards, on or about the 28th day of June, 1839, the said Ruiz and Montez, confederating with each other and with one Ramon Ferrer, now deceased, captain of said schooner Amistad, and others of the crew thereof, caused respondents severally, without law or right, under color of certain false and fraudulent papers, by them procured and fraudently used for that purpose, to be placed by force on board said schooner, to be transported with said Ruiz and Montez, to some place unknown to the respondents and there enslaved for life. That the respondents, being treated on board said vessel, by said Ruiz and Montez and their confederates, with great cruelty and oppression, and being of right free as aforesaid, were incited by the love of liberty natural to all men, and by the desire of returning to their families and kindred, to take possession of said vessel while navigating the high seas, as they had right to do, with the intent to return therein to their native country, or to seek an asylum in some free State, where slavery did not exist, in order that they might enjoy their liberty under the protection of its

government; that said schooner, on or about the 26th of August, 1839, arrived, in the possession of the respondents, at Culloden Point, near Montauk, and was there anchored near the shore of Long Island, viz: within hailing distance thereof, and within the waters and territory of the State of New York; that the respondents, Sinqua, Carlee, Dammah, Baah, Monat, Nahguis, Quato, Con, Fajanah, Berrie, Gabbo, Fouleaa, Kimbo, Faquannah, Cononia, otherwise called Ndzarbla, Yaboi, Burnah 1st, Shuma, Fawne, Peale, Ba and Sheele, while said schooner lay at anchor as aforesaid, went on shore within the State of New York, to procure provissions and other necessaries, and while there, in a state where slavery is unlawful, and does not exist under the protection of the government, and laws of said State, by which they were all free, whether on board of said schooner, or on shore, the respondents were severally seized, as well those who were on shore as aforesaid, as those who were on board of and in possession of said schooner, by the said Lieutenant Gedney, his officers, and crew of said United States brig Washington, without any lawful warrant or authority whatever, at the instance of said Spaniards, Ruiz, and Montez, with the intent to keep and secure them as slaves to the said Ruiz and Montez, respectively, and to obtain an award of salvage therefor, from this honorable court as for a meritorious act. That for that purpose the respondents were by the said Lieutenant Gedney, his officers and crew aforesaid, forcibly and unlawfully withdrawn from the jurisdictional limits of the State of New York, and brought to the port of New London aforesaid, and while there and afterwards, under the subsequent proceedings in this honorable court, taken into the custody of the marshal of said district of Connecticut, and confined and held in the goal in the cities of New Haven and Hartford, respectively, as aforesaid. Wherefore the respondents severally pray, that they and each of them may be set free, as they of right are and ought to be, and that they be released from the custody of the marshal under the process of this honorable court, under which or under color of which they are holden as aforesaid.

S. P. STAPLES,
and R. S. BALDWIN,
and T. SEDGWICK, } *Proctors.*

And at the said district court, holden at New Haven, in said district, on the 7th day of January, A. D. 1840, here in open court, come Jose Antonio Tellincas, and the house of Aspa and Laca, subjects of the Queen of Spain, and, by consent of the court, file their claim in the words following to wit:

UNITED STATES OF AMERICA, *District of Connecticut, ss.*

Special term holden at New Haven, first Tuesday of January, 1840.

To the Hon. Andrew T. Judson, Judge of the District Court of the United States, within and for the District of Connecticut.

And now Jose Antonio Tellincas, of the city of Puerto Principe, in the Island of Cuba, merchant, and Messrs. Aspa and Laca, of

said Puerto Principe, merchants and co-partners, under the name of Aspa and Luca, intervening for their several and respective interests in the cargo of the schooner Amistad, appear before this court, and for answer to the libel of Thomas R. Gedney, Richard W. Mead and others, and also the claim and libel of Henry Green and others against the said schooner Amistad, her tackle, apparel and furniture, and against the cargo lately laden on board said schooner, and also against any persons lawfully intervening for their interest therein, saving to themselves all and all manner of advantage to the manifest uncertainties and insufficiencies in the libellant's said libel and said claim contained for answer thereto or so much thereof as is material and necessary to be answered, answer and say that Jose Anlontione Fellerica, one of the respondents, is the owner of 25 pieces mixed listadoes, which were originally contained in a box marked AT No. 1; also 15 pieces mixed listadoes square, and 10 pieces striped listadoes, which were originally contained in a box marked AT No. 2; also 25 pieces listadoes which were contained originally in a box marked AT No. 3; also 48 pieces genuine platillas which were contained originally in a box marked AT No. 4; also 10 pieces estopilla fine white, 20 pieces estopilla spotted, 4 large crape shawls, 2 small crape shawls, 7 pieces Paris cambric plain, 1 piece black silk handkerchiefs, 6 dozen linen *linen* handkerchiefs, 20 pieces Catalonia ribbon, 2 dozen cambric handkerchiefs plain edge, 2 dozen cambric handkerchiefs figured edge, 4 dozen cambric handkerchiefs figured edge, 40 dozen white tape No. 40 , 40 pounds thread No. 12 | 24, 6 pieces muslin, 24 yards, 17 pieces prints, originally contained in a box marked AT No. 5; also 12 silk umbrellas, 12 do. silk umbrellas, 3 dozen cotton umbrellas, originally contained in a box marked AT No. 6; also 2 yards duck. That Messrs. Asp and Luca, the other two respondents, are the owners of 48 pieces of German platillas, contained, when shipped, in a box or bundle marked A & L No. 1; also 24 pieces German platillas fine, 18 pieces English platillas cotton, 2 pieces Victoria 83 yards, 1 dozen col'd half hose, contained in a package or box marked A & L No. 2; also 4 pieces striped white drilling 97 yards, 2 pieces striped white drilling cotton 72 3-4 yards, 25 dozen cotton handkerchiefs, 6 pieces estopillas plain, 4 pieces plain crape, 8 suit dresses figured muslin, 21 pieces striped with flowers, 4 pieces prints, 5 pieces lace crape, 15 dozen cotton handkerchiefs, 14 pieces muslin for hanging, 1 dozen romantic scarfs, contained in a package or box marked A & L No. 3; also 25 pieces spotted listadoes in a package marked A & L No. 4; also 30 pieces perculas, 24 pieces cotton osnaburgs, and 1 piece cotton drills, in a package marked A & L No. 5; also 25 pieces listadoes in a package marked A & L No. 6; also 16 stamped crape shawls, 96 pieces French silk ribbons, 4 pounds silk, 4 pieces white cambric, 1 piece superior clarin cambric, 2 pieces of striped cambric, 3 pieces striped cambric imitation, 1 dozen China fans, 6 1-3 dozen silk handkerchiefs, 1 dozen estopilla shirts, 1 dozen black embroidered gloves, 52 pieces silk Catalonia

ribbon, contained in a package marked A & L No. 7; also 15 pieces listadoes blue squares, also 2 pieces listadoes superior quality, 2 pieces white linen drills 83 1-2 yards, 7 rugs, contained in a package marked A & L No. 8; also 22 pieces muslin, 23 pieces muslin small squares, 20 1-2 dozen linen handkerchiefs, 52 dozen white tape, 50 dozen cotton spools, 5 dozen crape handkerchiefs, contained in a package marked A & L No. 9; also 20 pieces of prints, 28 pieces estopillas, 18 dozen English half hose, 1 dozen white crape handkerchiefs, 1 dozen white crape half handkerchiefs, 2 pieces merinague, 1 dozen black short gloves, 1 bundle with buttons, contained in a package marked A & L No. 10; also 10 1-2 dozen cologne water, 6 dozen hair oil, 6 dozen fine combs, contained in package marked A & L No. 11; also 50 pounds Scotch codfish marked A & L No. 12; also 1 piece ticking 43 ells, 4 pieces roan, 8 rugs, 2 dozen towels, in a package marked A & L No. 13; also one dozen cotton umbrellas, 6 dozen silk umbrellas in a package marked A & L No. 14; also 1 saddle, 1 trunk, 11 yards duck in a package marked A & L No. 15. All of which goods and merchandise were part of the cargo lately laden on board the said schooner Amistad, and against which the said libel and claims have been exhibited. And your respondents further allege that all said articles of merchandise and goods were shipped at Havanna, in the Island of Cuba, by the house of Widow Colluso and Son, on board of said *said* schooner Amistad, Ramond Ferrer master, in the month of June, A. D. 1839, consigned and to be delivered to your respondents severally at a port in the province of Puerto Principe in the Island of Cuba. That said schooner Amistad, having on board all said mentioned articles of merchandise and goods, on the 28th day of June last, set sail and proceeded to sea from said port of Havanna, bound to said Principe. That afterwards, to wit: on the day of August, 1839, said schooner, with said goods and merchandise on board, arrived on the coast of *of* the United States, near Montauk Point, about thirty miles distant from the port of New London, and there came to an anchor. Your respondents have been informed, and believe, that while said schooner Amistad was at anchor near Culloden Point, within Montauk Point, on the 26th day of August, 1839, the officers and crew of the United States brig Washington, being the libellants in this cause, who at that time were employed by the United States in surveying the coast in the vicinity of said schooner, fell in with and took possession of said schooner and cargo, and on the same day brought said schooner and cargo to said port of New London, where they arrived on the 26th day of August, 1839, but under what circumstances of risk or damage, your respondents are ignorant; that said Green and others never were on board said schooner, and did not render any meritorious services such as to entitle them to salvage on said goods; your respondents pray your honor to dissolve the attachment of said goods under the process of this honorable court, and that said merchandise be restored to them upon their giving bonds with approved sureties to the libellants, in a sum equal to the value

thereof, to abide the decision of the proper court thereon, submit themselves in the premises to the judgment of this honorable court, and hereby pray that the said goods herein mentioned and described may be discharged from arrest under the process of this honorable court, and may be restored to the possession of the respondents, and that they may be dismissed hence with their reasonable costs and charges in this behalf sustained. Dated at New Haven, this seventh day of January, 1840.

JOSEPH ANTONIO TELLINCU,
By his Att'y: WM. P. CLEAVELAND, Jr.
ASPA & LUCA,
By their Att'y: WM. P. CLEAVELAND, Jr.
WM. P. CLEAVELAND, Jr.,
Proctor for Claimants.

And at said term of said district court, holden at New Haven, in said district, on the 7th day of January, A. D. 1840, the following named libellants and claimants appear in court and pursue their several libels and claims respectively, to wit: Thomas R. Gedney and others, Henry Green and others, the United States by their district attorney, the said vice consul of Spain, and the minister of Spain through the United States district attorney, Jose Antonio Tellincas and the house of Aspa and Laca. Don Pedro Montez and Jose Ruiz do not come in person nor by counsel, but their libels and claims respectively are pursued by the Spanish minister, the same being merged in his claims. The said Cinquee and others, Africans, pursue their claim and answer filed as aforesaid.

And now at said term of said district court, holden at New Haven aforesaid, on the 7th day of January, A. D. 1840, said case came on to be heard on said libels, claims and answers, and exhibits, and testimony of witnesses. And said court of the 7th day of January, A. D. 1840, was adjourned to the 23d day of said Jauuary, then to be holden at Hartford in said district. And at said district court holden at Hartford in said district, on the 23d day of January, A. D. 1840, it is ordered and decreed by said court:

1st. That the claim of Henry Green and others be dismissed, with cost taxed and allowed against them at

2d. That that part of the libel of Thomas R. Gedney and others relating to their claim for salvage on the alleged slaves be dismissed.

3d. That the libel and claim of Jose Ruiz, being included under the claim of the minister of Spain, be dismissed with cost taxed against the said Jose Ruiz at the sum of $

4th. That the libel and claim of Don Pedro Montez, being included under the claim of the minister of Spain, be dismissed with cost taxed against the said Don Pedro Montez, at the sum of .

5th. That that part of the claim of the minister of Spain which demands the surrender of Cenques and others, who are specifically named in the answer filed as aforesaid, be dismissed, without cost.

6th. That the claim of the vice consul of Spain, demanding the

surrender to the Spanish government of Antonio Ferrer, a slave owned by the heirs of Ramon Ferrer, a subject of her Catholic majesty the Queen of Spain, be sustained. And it is further decreed, that the said Antonio be surrendered to the Spanish government for the said subjects who are the owners of the said Antonio, and the marshall is directed to deliver the said Antonio to the Government of Spain, or to such person or agent as may be designated by the minister or vice-consul of the Queen of Spain, without cost.

7th. The claim of Jos. Antonio Tellincy, for restoration of the goods specified in his aforesaid claim, being part of the cargo of the Amistad is sustained. The goods enumerated in the claim of the said Tellencia, having been duly appraised and found to be of the value of $849 98, it is decreed by this court, that upon the payment of the sum of $283 32 and the cost added thereto as taxed and allowed at $ making in all the sum of $ within ten days from the 23d day of January, A. D. 1840, to the clerk of this court for the use and benefit of Thomas R. Gedney and others, the salvors and libellants of said goods; that the said goods be then restored to the said Jose Antonio Tellericos, or to his agent. But in failure thereof, within the time above specified, then the marshall of the district of Connecticut, shall sell the said goods and deposit the nett avails thereof (deducting the fees and costs of sale) with the clerk of this court, one-third thereof for the use and benefit of the said Thomas R. Gedney and others, salvors and libellants; from the remaining two-thirds to be deducted and paid, said cost as aforesaid taxed, and the residue of said two-thirds to be delivered over to Jose Antonio Tellencia, when called for.

8th. The claim of the house of Aspa & Laca, for a restoration of the goods specified in their aforesaid claims, being part of the cargo of L'Amistad is sustained. The goods so specified in the claim of the said Aspa & Luca, having been duly appraised, and found to be of the value of $1,631 50, it is decreed by this court that upon the payment of the sum of $543 83, and the cost added thereto as taxed and allowed at $ making in all the sum of within ten days from the 23d day of January, A. D. 1840, to the clerk of this court for the use and benefit of Thomas R. Gedney and others, the salvors and libellants of said goods; that the said goods be then restored to the said house of Aspa & Laca, or to their agent; but on failure thereof, within the time above specified, then the marshal of the district of Connecticut, is hereby ordered, to sell the said goods, and the avails thereof after deducting the cost of sale, shall be deposited with the clerk of this court, one-third whereof for the use and benefit of the said salvors; from the remaining two-thirds to be deducted said cost so taxed against said goods as aforesaid, and the residue of said two-thirds to be delivered over to the house of Aspa & Laca, or their agent when called for.

And, whereas, the owners of the aforesaid schooner L'Amistad, and the owners of the residue of her cargo, being the goods on board at the time of the seizure, have not by name (excepting only

Don Pedro Montez, Jose Ruiz, Jose Antonio Tellenca, and the house of Aspa & Laca,) demanded restoration. And, whereas, the duly accredited minister of Spain, resident in the United States, hath in behalf of the Government of Spain, for the owners of said schooner, and the residue of said goods, claimed, that the same be restored to that government for the said owners, they being Spanish subjects, under the provisions of the treaty subsisting between the United States and Spain. And, whereas, it hath been made to appear to this court, that the said schooner is lawfully owned by the subjects of Spain, as also, the residue of said goods not specifically claimed. And, whereas, the aforesaid Don Pedro Montez, and Jose Ruiz, have in person ceased to prosecute their claim as specified in their respective libels, and their said claims fall within the demand and claim of the Spanish minister, made as aforesaid; and, whereas, the seizure of the said schooner and goods by the said Thomas R. Gedney and others, was made on the high seas, in a perilous condition, and was first brought into the port of New London, within the district of Connecticut, and libelled as aforesaid for salvage; and, whereas, the said schooner including all her tackle, rigging, furniture, &c., hath been duly appraised, the value whereof, this court doth find to be $600. That all the goods seized excepting the said two invoices of Jose Antonio Tellencia and Aspa & Laca, being appraised in like manner, this court doth find to be of the value of $3,081 48. Therefore, it is decreed, that the said Thomas R. Gedney, the officers and crew of the brig Washington being the libellants, for the service rendered the owners of the schooner and goods aforesaid, in saving the same, be and they are hereby, allowed salvage, and that one-third of the value of said schooner and goods be awarded them as salvage, together with the cost of their said libel; and the said schooner having been appraised as aforesaid, at the sum of $600, and the cost against said schooner having been taxed at $ the one-third of the value of said schooner being added to said cost taxed, making the sum of $. It is decreed, that upon the payment of the said last mentioned sum to *to* the clerk of this court within ten days from the 23d day of January, A. D. 1840, the said schooner Amistad, be restored to the said minister of Spain, for the owners thereof; and the said goods except those contained in the two invoces of Jose Antonio Tillinca and Aspa & Laca, having been appraised at the value of $3,081 48, and the cost of the libel of Don Pedro Montez, being $, and the cost of the libel of Jose Ruiz, being $, and the cost against the residue of said goods being $, making in all as against the said goods the sum of $ in cost, and the one-third of the value of said goods being $1,027 16, which being added to the said last mentioned cost makes the sum of $. It is decreed, that upon the payment of said last mentioned sum, and a deposit thereof with the clerk of this court within ten days from the 23d day of January, A. D. 1840, the said one-third for the use of the said Thomas R. Gedney and others, salvors and libellants as

aforesaid, that then the said goods be restored to the Government of Spain, to be delivered to such person or agent, as may be designated by the minister of Spain. But if the same shall not be paid and deposited as aforesaid, within the time aforesaid, then and in that case, the said schooner and goods shall be sold by the marshall, and he is hereby ordered, to make sale thereof, in the usual mode; and the avails of said sale after deducting the fees and cost of sale shall be deposited with the clerk of this court, the one-third whereof to and for the use of said seizors, and from the remaining two-thirds, there shall be deducted the several sums of cost taxed as aforesaid, and the residue of said two-thirds shall be paid over to such persons or agent as may be designated by the minister of Spain. The cost taxed against the schooner to be paid in manner aforesaid, out of the sales of the schooner, and the cost taxed against each parcel of goods, to be paid in manner aforesaid, out of the sales of such goods. Upon the several answers of Cinqua, Burnah 1st, Dammah, Fourrie 1st, otherwise called Fuliva, Shuma, Conoma, Chooley, Burnah 2d, Baah, Cabbah, Poma, Kimbo, Peah, Bangyeah, Saah, Carlo, Parle, Momah, Nahquou, Quarhto, Sesse, Con, otherwise called Keoong, Fourrie 2d, otherwise called Fouleuald, Kennah, Lamana, Fajannah, Zebloi, Faquannah, Burrie, Fawna, Chockomaw, Gabbo, Carre, Teme, Kene, Mahque, Africans, natives of the Mandi county, in Africa, and of the neighboring regions, now in the custody of the marshall of this district, under process issued from this court on the 29th day of August, A. D. 1839, against the schooner Armistad, and the articles of personal property on board of her on the libel of Thomas R. Gedney, a lieutenant in the United States navy, commanding the United States brig Washington, in the service of the United States, and the officers and crew thereof, and all others interested or entitled; and also under process of this court, issued on the several libels and representations of William S. Hallaberd, Esq., United States district attorney, for the district of Connecticut, and of Pedro Montez and Jose Ruiz, respectively; this court having fully heard the parties appearing with their proofs, do find that the respondents severally answering as aforesaid, are each of them natives of Africa, and were born free, and ever since have been, and still of right are free, and not slaves, as is in said several libels, claims or representations alleged or surmized; that they were never domiciled in the Island of Cuba, or the dominions of the Queen of Spain, or subject to the laws thereof; that they were severally kidnapped in their native country, and were in violation of their own rights, and of the laws of Spain, prohibiting the African slave trade, imported into the Island of Cuba, about the 12th June, 1839, and were there unlawfully held and transferred to the said Ruiz and Montez, respectively; that said respondents were within fifteen days after their arrival at Havannah, aforesaid, by said Ruiz and Montez, put on board said schooner Armistad, to be transported to some port in said Island of Cuba, and there unlawfully held as slaves; that the re-

spondents or some of them, influenced by the desire of recovering their liberty and of returning to their families and kindred in their native country, took possession of said schooner Armistad, killed the captain and cook and severely wounded said Montez, while on her voyage from Havannah, as aforesaid, and that the respondents arrived in possession of said schooner at Culloden Point near Montaug, and there anchored said schooner on the high seas, at the distance of half a mile from the shore of Long Island, and were there, while a part of the respondents were as is alleged in their said answer, on shore in quest of water and other necessaries, and about to sail in said *said* schooner for the coast of Africa, siezed by said Lieutenant Gedney, and his officers and crew, and brought into the port of New London, in this district. And this court doth further find, that it hath ever been the intention of the said Montez and Ruiz, since the said Africans were put on board the said schooner, to hold the said Africans as slaves; that at the time when the said Cinques and others, here making answer, were imported from Africa into the dominions of Spain, there was a law of Spain prohibiting such importations, declaring the persons so imported to be free; that said law was in force when the said claimants took the possession of the said Africans and put them on board said schooner, and that the same hath ever since been in force, and which law is as follows:

Decree.

The introduction of negro slaves into America, was one of the first measures which my predecessor dictated for the support and prosperity of those vast regions, soon after their discovery. The impossibility of inducing the Indians to engage in different useful though painful labours, arising from their complete ignorance of the conveniences of life, and the very small progress they had made in the arts of social existence, required that the working of the mines, and the cultivation of the soil, should be committed to hands more robust and active than theirs.

This measure, which did not create slavery, but only took advantage of that which existed through the barbarity of the Africans, by saving from death their prisoners, and alleviateing their sad condition, far from being prejudicial to the negroes transported to America, conferred upon them not only the incomparable blessing of being instructed in the knowledge of the true God, and of the only religion in which the Supreme Being desires to be adored by his creatures, but likewise all the advantages which accompany civilization, without subjecting them in their state of servitude to a harder condition than that which they endured in freedom, when free in their native country. Nevertheless, the novelty of this system demanded prudence in its execution; and thus it happened, that the introduction of negro slaves into America depended always on particular licenses which my predecessors granted according to circumstances of places and times, till the era when untrained slaves were generallly

permitted to be imported, both in national and foreign vessels, by the royal proclamations of the 28th of September, 1789, the 12th of April, 1798, and the 22d of April, 1804, in each of which the different places for their introduction were determined. All this clearly evinced that the christian wisdom of my predecessors considered always these provisions as exceptions to the law, and dependent on variable conditions. Although the license granted the 22d of April, 1804, had not expired when divine providence restored me to the throne to which it had destined me, and of which an unjust usurper had perfidiously attempted to deprive me, the disturbances and dissentions excited in my American dominions during my absence, immediately fixed my sovereign attention; and meditating incessantly on the most appropriate means of re-establishing good order in these remote possessions, and giving them all the encouragement of which they are capable, I was not slow in perceiving that the circumstances which had induced my predecessors to permit the traffic in slaves on the coast of Africa, and their introduction into both Americas had entirely changed. In these provinces the number of indigenous negroes has increased prodigiously, and even that of free negroes under the fostering care of a mild government and the christian humanity of the Spanish proprietors; the number of white inhabitants has likewise been much augmented, and the climate is not now so prejudicial to the latter as it was before the soil was cleared of wood, and subjected to cultivation.

The advantage likewise which resulted to the inhabitants of Africa from their transportation to a civilized country, is not now so urgent or exclusive, since an enlightened nation has undertaken the glorious task of civilizing them in their own land. At the same time the general progress of improvement in Europe, and the spirit of humanity which directed its late transactions, in restoring the political edifice which the wickedness of a usurped government had shaken to its foundation, have excited among European sovereigns a desire to see this traffic abolished; and at the Congress of Vienna, agreeing on the necessity of the abolition, they occupied themselves in facilitating its execution, by the most amicable negotiations with those powers which had colonies, meeting in me that disposition which became so laudable an undertaking. Those considerations moved my royal mind to inform itself from enlightened persons, zealous for the prosperity of my states, as to the effects which the abolition of the traffic would produce on them. Having seen their reports, and being desirous to attain certainty in a matter of so great importance, I transmitted them to my council of the Indies, with my royal order of the 14th of June, 1815, that it might communicate to me its opinion and advice. Having collected all these copious materials, and having examined the propositions which the same supreme tribunal laid before me in its deliberation of the 15th of February, 1816, answering to the confidence which I repose in it, and coinciding with its opinions respecting the abolition of the traffic in slaves, and co-operating with the king of

Great Britain by a solemn treaty, embracing all the points of reciprocal interest involved in this important transaction; and determining that the time for the abolition was arrived, the interest of my American states being duly reconciled with the sentiments of my royal mind, and the wishes of all sovereigns, my friends and allies, I have decreed as follows:

"Art. 1. From this day forward I prohibit all my subjects, both in the peninsula and in America, from going to buy negroes on the coasts of Africa north of the line. The negroes who may be bought on the said coasts, shall be declared free in the first port of my dominions at which the ship in which they are transported shall arrive. The ship itself, together with the remainder of its cargo, shall be confiscated to the royal treasury; and the purchaser, the captain, the master, and pilot, shall be irrevocably condemned to ten years transportation to the Phillippines.

"Art. 2. The above punishment does not attach to the trader, the captain, the master, and pilot of the vessels which sail from any port of my dominions for the coast of Africa north of the line, before the 22d of November of the present year; to which period I grant, besides an extension of six months, counting from the above date, to complete their voyages.

"Art. 3. From the 30th of May, 1820, I equally prohibited all my subjects, as well in the peninsula as in America, from going to purchase negroes along those parts of the coast of Africa which are to the south of the line, under the same penalties imposed in the first article of this decree, allowing likewise the space of five months from the above date to complete the voyages that may be undertaken before the above mentioned 30th of May, in which the traffic in slaves shall cease in all my dominions, as well in Spain as in America.

"Art. 4. Those who, using the permission which I grant to the 30th of May, 1820, shall purchase slaves on that part of the coast of Africa which lies south of the line, shall not be allowed to carry more slaves than five to two tons of tonnage of their vessel; and any persons contravening this enactment, shall be subjected to the penaly of losing all the slaves on board, who shall be declared free at the first port of my dominions in which the ship arrives.

"Art. 5. This computation is made without a reference to those who may be born during the voyage, or to those who may be serving on board as sailors or servants.

"Art. 6. Foreign vessels which may import negroes into any port of my dominions, shall be subjected to the regulations prescribed in this decree; and in case of contravening them, shall be subjected to the penalties contained in it."

And my royal pleasure being that the above decree should circulate in my dominions of America and Asia, for its punctual observance, I communicated it to my supreme council of the Indies, signed with my own hand under date of the 22d of September last past, and on its being published in that tribunal the 1st instant, a reso-

lution passed, that steps should be taken to enforce it; and that the said tribunal should, for such purpose, circulate this my royal cedula, by which I direct all my viceroys, presidents, courts of judicature, commandants general, governors, and intendants, of the Indies, of the adjacent, and of the Phillipine Islands, to keep, fulfil, and execute, and cause to be kept, fulfilled, and executed, all that has been enjoined in this my sovereign determination, without transgressing or contravening, or permitting to be transgressed or contravened, its contents in any way; causing it for that purpose to be published as an order, not only in the capital cities, but also in the chief towns of jurisdiction of their respective districts, and communicating it likewise each in his territory to the tribunals, justices, authorities, and persons who in any way may be bound to observe it. And this my royal cedula shall be attended to by the accountants general officers of my said council. Dated Madrid, the December, 1817.

Your majesty prohibits forever all your subjects of the peninsula, as well as of America, from purchasing negroes on the coasts of Africa, enacting, that voyages for that pupose may not be undertaken to the coasts north of the equator after the 22d of November, nor to those south of the equator after the 30th of May, 1820, under the penalties specified. And this court doth further find, that when the said Africans were shipped on board the said schooner by the said Montez and Ruiz, the same were shipped under the passports signed by the governor general of the Island of Cuba, in the following words, viz:

Description.
Size.
Age.
Color.
Hair.
Forehead.
Eyebrows.
Eyes.
Nose.
Mouth.
Beard.
Peculiar signs.

HAVANNA, *June* 22*d*, 1839.

I grant permission to carry three black ladinoes, named Juana, Francisca, and Josefa, property of Dr. Pedro Montez, to Puerto Principa, by sea. They must present themselves to the respective territorial judge with this permit.

Duty, 2 reals.

ESPILITA.

(Indorsed) Commander of Matria.

Let pass in the schooner Amistad, to Guanaja, Ferrer, master. Havanna, June 27th, 1839.

MART & Co.

Description.
Size.
Age.
Color.
Hair.
Forehead.
Eyebrows.
Eyes.

HAVANNA, *June* 26*th*, 1839.

I grant permission to carry forty-nine black ladinos, named Antonio, Simon, Lucas, Jose, Pedro, Martin, Manuel, Andrios Edwardo, Celedernnio, Bartolo, Raman, Augustin, Evaristo, Casimero, Meratio, Gabriel, Santome, Ecclesiastico, Pasenal, Stanislao, Desiderio, Nicolas, Estevan, Tomas, Cosme, Luis, Bartolo, Julian, Fe-

Nose.
Mouth.
Beard.
Peculiar signs.

derico, Saturdino, Ladislas, Celestino, Epifano, Fronarie, Venaniro, Feligre, Francisco, Hypolito, Benito, Isdoro, Vicente, Dioniceo, Apolino, Esequiel, Leon, Julio, Hipolito, y Raman, property of Dr. Jose Ruiz, to Puerto Principe, by sea. They must present themselves with this permit to the respective territorial judge.

Duty, 2 reals.

ESPLETA.

(Indorsed) Commander of Matria.

Let pass in the schooner Amistad, to Guanaja, Ferrer, master. Havanna, June 27th, 1839.

MART & Co.

Which said passports do not truly describe the said persons shipped under the same. Whereupon the said claim of the minister of Spain, as set forth in the two libels filed in the name of the United States by the said district attorney, for and in behalf of the Government of Spain and her subjects, so far as the same relate to the said Africans named in said claim, be dismissed.

And upon the libel filed by said district attorney in behalf of the United States, claiming the said Africans libelled as aforesaid, and now in the custody of the marshal of the district of Connecticut, under and by virtue of process issued from this court, that they may be delivered to the President of the United States to be transported to Africa. It is decreed that the said Africans now in the custody of said marshall, and libelled and claimed as aforesaid, (excepting Antonio Ferrer,) be delivered to the President of the United States by the marshal of the district of Connecticut, to be by him transported to Africa, in pursuance of the law of Congress, passed March 3d, 1819, entitled "An act in addition to the acts prohibiting the slave trade."

And after the said decree is pronounced, the said United States, claiming as aforesaid in pursuance of a demand made upon them by the duly accredited minister of her Catholic majesty, the Queen of Spain, to the United States, move an appeal from the whole and every part of said decree, except that part of the same in relation to the said slave Antonio, to the next circuit court of the United States, to be holden at New Haven, within and for the district of Connecticut on the last Wednesday of April, A. D. eighteen hundred and forty, and it is allowed. And after said decree is pronounced, the said Antonio Tellincas, and the said house of Aspe & Laca, claimants as aforesaid, respectively move an appeal from that part of said decree passed in relation to the goods claimed by them respectively as aforesaid, except from so much thereof as sustains their respective claims to said goods as owners thereof, and their claims to the restoration thereof, to the said circuit court, to be holden at said New Haven on the day and year last aforesaid, and it is allowed.

Attest: CHAS. A. INGERSOLL, *Clk.*

And at the April term of this court, holden at New Haven, aforesaid, on the last Wednesday of April, A. D. eighteen hundred and forty, Seth P. Staples and Roger S. Baldwin, esqrs., as the proctors for certain Africans who are claimants, filed in this court a motion in the words following, to wit: In the matter of

THE UNITED STATES, appellants,
vs.
SINQUA, otherwise called JOSE CINQUEZ, BURNAH 1st, CARPRER, DAMMAH, FOURRIE 1st, otherwise called FORA-LE-WA, SHUMA, WOLMAH, CONOMA, CHOOLAY, BURNAH 2d, BAAH, CABBOH, POOMALE, KIMBO, PECAH, BANG-YE-AH, SAAH, CARLE, PARLE, MOORAH, YAHONIC, NAHQUOI, QUATO, SESSE, CON, FOURIER 2d, otherwise called FOULEWALER, KINNAH, LARMANEE, FAJANAH, FAAH, YAHBOY, FAQUANNAH, BERRIE, FAWNEE, CHOCKAMAW, GABBO, otherwise called GALABA, CARRE, TEME, KERRE, and MOHGRUE, Africans, being severally claimants and appellees.

Now, the said several appellees being in the custody of the marshal of the district of Connecticut, under process issued by the district court of the United States for said district, on the libel of the United States, acting by the district attorney of the United States for said district, severally moove that the appeal by the United States, claiming, as by the files and records of said district court will appear, in pursuance of a demand made upon them by the minister of the Queen of Spain, set forth in their said libel. From so much of the decree of said district court as relates to, or affects the said appellees severally, may be dismissed, because they say that the United States do not claim, nor have they ever claimed any interest in the said appellees respectively, or either of them, and have no right, either by the law of nations or by the constitution or laws of the said United States, to appear in the courts of the United States, to institute or prosecute claims to property in behalf of the subjects of the Queen of Spain, under the circumstances appearing on the record in this case, much less to enforce the claims of the subjects of a foreign government to the persons of the said appellees, respectively, as the slaves of said foreign subjects, under the circumstances aforesaid.

By their proctors: S. P. STAPLES, and
R. S. BALDWIN.

Which said motion is by this court denied.

And the said appellants, and the said libellants, and the said claimants having been fully heard, this court, on this the 29th day of April, A. D. eighteen hundred and forty, doth decree, that said decree of said district court, appealed from ~~from~~ said district court to this court, except so much thereof as respects to the claim of the said Jose Antonio Tellinces, and the said house of Aspa & Laca, be affirmed. And after the said decree is pronounced the said Uni-

ted States, claiming as aforesaid in pursuance of a demand made upon them by the duly accredited minister of her Catholic majesty the Queen of Spain to the United States, move an appeal from the whole and every part of said decree of this court, affirming said decree of said district court, as aforesaid, to the Supreme Court of the United States, to be holden at the city of Washington on the second Monday of January, A. D. eighteen hundred and forty-one, and it is allowed.

And the said premises, so far as they respect the decree of the said district court, allowing salvage on the said goods respectively claimed by the said Jose Antonio Tellerica, and the said house of Aspe & Laca, are continued in this court, to await the decision of the said Supreme Court on that part of said decree of this court appealed from as aforesaid.

Attest: CHAS. A. INGERSOLL, *Clk.*

We have likewise inspected certain depositions, papers, and documents, and testimony of witnesses, and all other papers remaining as of record in said circuit court, and to be used as evidence before the Supreme Court of the United States on the trial of said appeal, in the words and figures following, to wit:

I, Richard Robert Madden, a British subject, having resided for the last three years and upwards, at Havana, where I have held official situations under the British government, depose and say, that I have held the office of superintendant of liberated Africans during that term, and still hold it; and have held for the term of one year, the office there, of British commissioners, in the mixed court of justice. The duties of my office, and of my avocation, have led me to become well acquainted with Africans recently imported from Africa. I have seen, and had in my charge many hundreds of them. I have also seen the Africans in the custody of the marshal of the district of Connecticut, except the small children. I have examined them, and observed their language, appearance, and manners; and I have no doubt of their having been, very recently, brought from Africa. To one of them, I spoke, and repeated a Mahammidan form of prayer in the Arabic language; the man immediately recognised the language, and repeated a few words of it after me, and appeared to understand it, particularly the words "Allah akbar," or God is great. The man who was beside this negroe, I also addressed in Arabic, saying—"salaam ailkoem," or peace be to you; he immediately, in the customary oriental salutations, replied—"aleckoum salaam," or peace be on you. From my knowledge of oriental habits, and of the appearance of the newly imported slaves in Cuba, I have no doubt of those negroes, of the Amistad, being bona fide Bozal negroes, quite newly imported from Africa. I have a full knowledge of the subject of slavery—slave trade in Cuba; and I know that no law exists, or has existed since the year 1820, that sanctions the introduction of negroes into the Island of Cuba, from Africa, for the purpose of making slaves, or

being held in slavery; and that, all such Bozal negroes, as those recently imported, are called, are legally free, and no law, common or statute exists there, by which they can be held in slavery. Such Africans, long settled in Cuba and acclimated are called ladinos, and must have been introduced before 1820, and are so called in contradistinction to the term creole, which is applied to the negroes born in the island. I have seen, and now have before me a document, dated 26th June, 1839, purporting to be signed by Ezpeleta, who is captain general of the island, to indentify which, I have put my name to the left hand corner of the document in presence of the counsel of the Africans; this document, or "tr as passo," purporting to be a permit granted to Don N. Rivis, to export from Havanna to Porto Principe, 49 negroes, designated by Spanish names, and called therein, ladinos, a term totally inapplicable to newly imported Africans. I have seen, and now have before me, another document, dated 22d June, 1839, and signed in the same manner, granted to Don Pedro Montez, for the removal of 3 negro children from Havanna to Porto Principe, also designated by Spanish names, and likewise called "ladinos," and wholly inapplicable to young African children, who could not have been acclimated, and long settled in the island; which document, I have indentified in the same manner as the former. To have obtained these documents from the governor, for bona fide Bozal negroes, and have described them in the application for it, as ladinos, was evidently a fraud, but nothing more than such an application, and the payment of the necessary fees would be required to procure it, as there is never any enquiry or inspection of the negroes on the part of the governor or his officers, nor is there any oath required from the applicant. I further state, that the above documents are manifestly inapplicable to the Africans of the Armstad, I have seen here and in New Haven; but such documents are commonly obtained by similar applications at the Havanna, and by these means, the negroes recently and illegally introduced, are thus removed to the different ports of the island, and the danger obviated of their falling in with English cruisers, and then they are illegally carried into slavery. One of the largest dealers and importers of the Island of Cuba, in African slaves, is the notorious house of Martiner & Co., of Havanna; and for years past, as at present, they have been deeply engaged in this traffic; and the Bozal Africans, imported by these and all other slave traders, when brought to the Havanna, are immediately taken to the barracones, or slave marts; five of which are situated in the immediate vicinity of the governor's county house, about one mile and a half from the walls of Havanna; and from these barracones, they are taken and removed to the different parts of the island when sold; and having examined the endorsements on the back of the trasspasso, or permits for the removal of the said negroes of the Armstad, the signature to that endorsement appears to be that of Martiner & Co.; and the document purports to be a permit or pass for the removal of the said negroes. The hand-

writing of Martiner & Co., I am not acquainted with. These barracones, outside the city walls, are fitted up exclusively for the reception and sale of Bozal negroes; one of these barracones or slave marts, called la miscra cordia, or "mercy," kept by a man, named "Riera," I visited the 24th September last, in company with a person well acquainted with this establishment; and there factor or major domo of the master, in the absence of the latter, said to me, that the negroes of the Amistad had been purchased there; that he knew them well; that they had been bought by a man from Porto Principe, and had been embarked for that place; and speaking of the said negroes, he said, "che, castima," or what pity it is; which rather surprised me; the man further explained himself, and said, his regret was for the loss of so many valuable Bozals, in the event of their being executed in the United States.

One of the houses most openly engaged, and notoriously implicated in the slave trade transactions, is that of Martiner & Co.; and their practise is to remove their newly arrived negroes from the slave ships to these barracoons, where they commonly remain two or three weeks before sold, as these negroes of the Armistad, illegally introduced by Martiner & Co., were in the present instance, as is generally reported and beleived in the Havanna. Of the Africans which I have seen and examined, from the necessity which my office imposes on me at the Havanna, of assisting at the registry of the newly imported Bozals, emancipated by the mixed court, I can speak with tolerable certainty of the ages of these people, with the exception of the children, whom I have not seen. Sa, about 17; Ba, 21; Luckawa, 19; Tussi, 30; Beli, 18; Shuma, 26; Nama, 20; Tenquis, 21; the others, I had not time to take a note of their ages.

With respect to the mixed commission, its jurisdiction extends only to cases of captured negroes brought in by British or Spanish cruisers; and notwithstanding the illegalities of the traffic in slaves, from 20 to 25,000 slaves have been introduced into the island during the last three years; and such is the state of society and of the administration of the laws there, that hopeless slavery is the inevitable result of their removal into the interior.

Question by Wm. S. Holaberd, esq., district attorney.

Are you acquainted with the language of any of the African tribes or nations?

Answer. I am not acquainted with the dialects of the African tribes, but I am slightly acquainted with the Arabic language; and in those parts of Africa, where Mehomadism prevails, the principal forms of prayer are repeated in the Arabic.

Question by the same. Are not the lawful slaves of the island when offered for sale by their masters, generally, or often placed in the barracoons, or man marts?

Answer. They are not.

Question by the same. Are not the lawful slaves in no part of the island, placed in the barracoons, when offered for sale.

Answer. The practice in the Havanna, is to use the barracoons

for Bozal negroes only. I cannot say what the practice may be elsewhere, but in the country where negroes on a plantation are to be sold, they are sold on the plantation, and there is no occasion to send them to a barracoon, which is used only for those recently imported, and for their reception and sale.

By the same. Is not the native language of the Africans often continued for a long time on certain plantations?

Answer. I should say, that the very reverse is the fact. It has been to me a matter of astonishment at the shortness of time in which the language of the negroes is disused, and the Spanish language adopted and acquired; I speak this, from a very intimate knowledge of the condition of the negroes in Cuba, from frequent visits to plantations and journeys in the interior; and on this subject, I think I can say, my knowledge is as full as as any persons can be.

Question by the same. Please to state how many barracones there are at the Havanna, and how many there are in other parts of the island?

Answer. There are 5 or 6 within pistol-shot of the country residence of the captain general of Cuba. On every other part of the coast where the slave trade is carried on, a barracone or barracoons must likewise exist. They are a part of the things necessary to the slave trade, and are for its use only; for instance, near Matanzas there is a building or shed of this kind, and used for this purpose.

Question by the same. After the negroes are landed in Cuba, are they not bona fide transferred from one owner to another, without any interference by the local authorities or the mixed commission?

Answer. Any negroes landed in the island since 1820, and carried into slavery, have been illegally introduced, and the transfer of them under false names, such as calling Boza Ladinos, is necessarily a fraud. Unfortunately, there is no interference on the part of the local authorities; they connive at it, and collude with the slave traders; the governor, alone, at the Havanna, receiving a bounty or impost on each negro thus illegally introduced, of 10 dollars a head. As to the mixed commission, once the negroes clandestinely introduced are landed, they no longer have cognozance of the violation of the treaty; the governor has cognozance of this and every other bearing of the Spanish law on Spanish soil. This head money has not the sanction of any Spanish law for its imposition; and the proof of this is, it is called a voluntary contribution.

RICHARD ROBERT MADDEN.

Hartford, Nov. 20th, 1839.

DISTRICT OF CONNECTICUT, *ss.*

District Court, at Hartford, Nov. 20, 1839.

Personally appeared, in open court, Richard Robert Madden, the signer of the foregoing deposition, and made oath to the truth of the same; which deposition is taken by order of court, said depo-

nent being about to leave the country, to be used on the trial of the libel of Thomas R. Gedney and others, and the several libels and claims filed to said libel, both in this court and in the appellate courts.

Attest: CHAS. A. INGERSOLL, *Clerk.*

Charles Pratt, a colored African, of the age of about twenty-five years, being duly cautioned and sworn, deposes and says:

That he was born in Sieree Lone; that he is captain's cook on board the British brig of war Buzzard, now lying in New York, and recently from Africa; that he is well acquainted with the African coast, and has been on board the Buzzard about four years in all. That he has heard the deposition of James Covey, this day, taken by the judge of the county court for the New Haven county; that he is acquainted with the Mandi language, and that the story of James Covey, in his deposition, is true. That he knows the Bandi language, which is spoken by one of the persons called Mone, who is now confined in jail at New Haven, and is an African; and that he has truly interpreted the answers made by Mone to Josiah W. Gibbs, and that his answers agree with the answers of the other prisoners with whom Mone is confined. That he knew, at Lonboko, on the coast of Africa, a man called Petro Blanco, who was a Spanish slave trader, and that several of the prisoners say they saw said Petro Blanco at Lomboko. That he is sure, from the language, manners, and looks of the African prisoners, now in jail at New Haven, that they have recently come from Africa. That he learned the Bandi language by trading with his father in the Mandi country, and meeting the Bandi people there; and that he learned the Mandi language in the Mandi country, while going there to travel with his father. And further the deponent saith not.

his
CHARLES x PRATT.
mark.

STATE OF CONNECTICUT, *County of New Haven.*

New Haven, Oct. 4th, 1839.

Then and there personally appeared Chas. Pratt, and signed the foregoing deposition in my presence, by making his mark thereto, and made solemn oath to the truth of the same, before me.

SAMUEL J. HITCHCOCK,
Judge of New Haven county court.

The foregoing deposition was reduced to writing by me, in the presence of Charles Pratt, the witness, who was examined, cautioned, and sworn to testify the whole truth, and was, by said witness, subscribed in my presence, by making his mark thereto, as above. The said deposition was taken at the request of Roger S. Baldwin, Esq., who is of counsel for Mone, who is named in the above deposition, and for sundry other persons now confined in New Haven county jail, who have been libelled for salvage by

Thos. R. Gedney & Co., with the vessel called the "Amistad," and the cargo on board said vessel; which libel is pending before the honorable district court of the United States for the district of Connecticut, to be holden by adjournment, at Hartford, in said district, on the 19th day of November, 1839. The reason for taking said deposition is, that the deponent is bound on a voyage to sea, in the British brigg of war Buzzard, to sail from the port of New York. The counsel for the libellants, R. J. Ingersoll, Esq., of New Haven, was duly notified to be present at the taking of this deposition, but did not attend. I am not of counsel or attorney to any of the parties in said libel, nor interested in said cause.

Certified by me, SAMUEL J. HITCHCOCK,
Judge of New Haven county court.

The following statement was made to me by A. G. Vega, Esq., Spanish consul, as near as I can now recollect, and according to my best knowledge and belief, 10th January, 1840.

W. S. HOLABIRD.

That he is a Spanish subject; that he resided in the Island of Cuba several years; that he knows the laws of that island on the subject of slavery; that there was no law that was considered in force in the Island of Cuba, that prohibited the bringing in African slaves; that the court of mixed commissioners had no jurisdiction except in cases of capture on sea; that newly imported African negroes were constantly brought to the island, and after landing were bona fide transferred from one owner to another, without any interference by the local authorities or the mixed commission, and were held by the owners and recognized as lawful property; that slavery was recognized in Cuba by all the laws that was considered in force there; that the native language of the slaves was kept up on some plantations for years. That the barracoons are public markets, where all descriptions of slaves are sold and bought; that the papers of the Amistad are genuine, and are in the usual form; that it was not necessary to practise any fraud to obtain such papers from the proper officers of the government; that none of the papers of the Amistad are signed by Martiner, spoken of by R. R. Madden, in his deposition; that he (Martiner) did not hold the office from whence that paper issued.

UNITED STATES OF AMERICA,
Southern District of New York, ss.

Be it remembered, that on this day of December, in the year of our Lord one thousand eight hundred and thirty-nine, before me, Silvanus Rapalje, a commissioner, duly appointed by the circuit court of the United States for the southern district of New York, in the second circuit, under and by virtue of the act of Congress entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of United States,"

Comanda de MATRID:
Pasan en la Goleta Amistad, a la Guanaja, Patron Ferrer. Havana, y Junio 27, de 1839.

MART.

Filiacion.
Estatura.
Edad.
Color.
Pelo.
Frente.
Cejas.
Ojos.
Nariz.
Boca.
Barba.
Senales particulares.

N. HAVANA, 22 *de Junio, de* 1839.

Concedo a tres Negras ladinas, nombradas Juano, Franca y Josefa, de la propiedad de D. Pedro Monte, pa. qe. pasen a Puerto Principe pr. mar.
Debiendo presentarse con esta al juez territorial respectivo.
Derechos 2 rs.

EZPELETA.

R. R. MADDEN.

Comanda de MATRID:
Pasa en la Goleta Amistad, a la Guanaja, Patron Ferrer. Habana, y Junio 27, de 1839.

MART.

Filiacion.
Estatura.
Edad.
Color.
Ojos.
Nariz.
Boca.
Pelo.
Cejas.
Barba.
Senales particulares.

TENENCIA DE GOBIERNO DE PUERTO PRINCIPE, 14 *de Junio, de* 1839.

Concedo licencia a D. Jose Ruis Carrias, vecino y del como. de esta cindad pa. qe. en la Goleta cipa. titulada Amistad, su patron D. Ramon Ferrer, se dirija a la de Habana con objeto de diligenciar asuntos de comercio, llevando su equipage y debiendo presentarse al juez territorial respectivo.

VAZQUEZ.

ANOTADA. GUANAJA, *y Junio* 15, *de* 1839.

Embarcase por Marina en la Goleta costera Amistad, del Patron Ramon Ferrer. P. A. D. A. Y.

JUAN RIVAS.

HABANA, 26 *de Junio, de* 1839.

Se presento el contenido en esta licencia y pasa a su destino.
Derechos 2 rs.

EZPELETA.

Comanda de MATRID:
Pasa en la Goleta Amistad, a la Guanaja, Patron Ferrer, Habana, y Junio 27, de 1339. MART.

Filiacion.
Estatura.
Edad.
Color.
Ojos.
Nariz.
Boca.
Pelo.
Cejas.
Barba.
Senales particulares.

TENENCIA DE GOBIERNO DE PUERTO PRINCIPE, 30 *de April, de* 1839.

Concedo licencia a Don Pedro Monte vecino y del comercio de esta cindad, para que pase a la de Matanzas en la Goleta Amistad, su Patron Don Ramon Ferrer, llevando su equipage, debiendo presentarse al juez territorial respectivo.

VAZQUEZ.

ANOTADA. HABANA, 25 *de Junio, de* 1839.

Se presento el contenido en esta licencia y pasa a su destino. Derechos dos reales.

EZPELETA.

Comanda de MATRID:

Pasa en la Goleta Amistad, a la Guanaja, Patron Ferrer. Habana, y Junio 27, de 1839. MART.

Folio 29. Lista 2a. PROVINCIA DE LA HABANA.

Don Antonio Gaston y Navarrete, Caballero con Cruz y placa de la Real y militar orden de San Hermenegildo, condecorado con las cruces de distincion de la marina y Chiclana, Capitan de Navio de la real Armada, comandante militar de las Matriculas de esta Provincia, y Presidente del Gremio de Mareantes y pescadores por S. M. &c.

Concedo licencia al Patron Ramon Ferrer para que con la Goleta Amistad, de poste de cuarenta y cinco toneladas, y de la propiedad del Patron, pueda hacer el viage desde este puerto al de la Guanaja con los companeros Manuel Antonio Padilla, Jaanto, Berdique, Gabriel Matutes, el Mulata, Celestino, dos pasags. pr. el Gobierno Sirviendo la presente por el termino de este viage dias. Debiendo presentarse a los comandantes, sub-delegados militares de Marina, o Cabos de Matriculas, y a falta de estos, a los Cabos celadores, Capitanes, Tenientes de partidos, o Justicias ordinarias, afin de que a continuacion anoten las entradas y salida, de los puertos a que transitare, y de no efectuarlo sera castigado por la primera vez con la multa de cien pesos, y por la Segunda ademas privado de patronea ningun buque; si no pudiese pagar la multa, se comutara con un ano de campana en los buques de Guerra, segun esta dispuesto por oficio del sr. comandante general de este Apostadero; y cumplida, se ha de presentar a refrendarla, dando siempre noticia de cuantas novedades ocurran, Debiendo observar con la mayor exactitud no llevar a su bordo ningun individuo sin escepcion de personas, que no este in cluso en la licencio. Habana, 18 de Mayo, de 1839.

Paups. R. P. GASTON.

Pase por el buque abanzado.
Gratis. GERALDINO.

HABANA, 18 *de Mayo, de* 1839.

Pase por el Casto del Morro.
Gratis. R.

Comanda de MATRID:

Lleva cuatro pasageros mas por el Gobierno. Habana, 19th de Mayo, de 1830.

DE LOS ANDES.

Ayudantia de Marina y MATRID:

Presentose el contenido patron, siu novedad y en los propios terminos se despacha pa. su destino, dejando en esta enfernu al companero Gabriel Matutis, y tres pasageros por el Gobierno. Guanaja, Junio 15, de 1839. P. A. D. A. Y.
Gratis. JUAN RIVAS.

N. 3052. Pago seis r'ls por derecho de toneladas Habana, y Junio 21, de 1839. Seo. Bo. UNTE.

HABANA, *y Junio* 26, *de* 1839.

Presento se.
Gs. GERALDINO.

HABANA, *y Junio* 27, *de* 1839.

Presento se siu novedad.

MARTE.

Comanda de MATRID:

Regresa a la Guanaja el Patron y comp de esta licencia y cincuenta y cuatro pasageros por el Gobierno. Habana, 27 de Junio, de 1839.
Paups. R. R. GASTON.

Pase pr. el buque avanzado.
Gratis. GERALDINO.

HABANA, 27 *de Junio, de* 1839.

Pase por el casto. del Morro.
Gratis.

Henry Green lives on Long Island. On the 26th of August, (1839,) Capt. Porter and myself were gunning down on Montaug, and went to Mr. Fithings' house; four blacks came up from N. E.; one of them naked, the others blankets on; we inquired who they were; Fithing said he did not know. There was a brig or schooner off the Hook: spake to the negroes, enquired if they could speak English or Portuguese, no reply. One said in brokon English,

"have you rum?" Inquired where their captain was; they said, "black" and "sick on board." Inquired if the mate was black, they said no. Put hands on my face and said he could speak English. Pointed to the sun then about 12, and said, when the sun was here, they would make sail and go. They said they had hard winds; broke the sails, but not the schooner. We went into the house and told Mr. Fithings we would go on board and try to get her up to Sag Harbour, which was 18 miles off, and asked him to go with us; while at dinner the negroes went off to the schooner; we started and overtook them; 2 1-2 miles from Fithings' house to the beach. The schooner lay with her fore topsail set complete, gib and mainsail about half-set. We found from 8 to 10 on the beach. They had a fire and were cooking; saw a number of demijohns, and a keg or two, taking off water; one held 15 or 20 gallons. Five minutes after we got to the beach, three other blacks came down from the 3d house, a different direction; the houses were on the south side of the island, and the schooner was on the north. On the south side of the island we saw a brig standing to the eastward; the blacks asked where that came from? Mr. Fithing said from New York. This last conversation was at the house. I told Captain Porter if they were determined to go to sea, we would tell them this was a war brig. Asked while on the beach, if we could go on board; they said, no; inquired if the master was coming on shore; they said no. The boat was off and on. He (one of the blacks) pointed to the east and said, make sail and go; we told him he had better not go, for there were two men-of-war, that they would fight him; he asked if they would make slaves; we replied, yes. The boat went off and brought back Sinques, and I recognised him to be one who was in the house first. They went aside and jabbered; the one who talked came up and asked, does this country make slaves? I answered, no. Any Spaniards here? No. Sinques then whistled, waved his hand over his head, and they all rose from the sand and shouted. There were four of us present, and 18 or 20 of the blacks; might be more; we were alarmed and ran to our waggons for our guns; they then ran up to us, shook hands, gave us their guns, a knife, a hat, (2 guns,) and handkerchief. I told them before the shout, it was a free country. I inquired again if we could go on board, he said to-morrow; pointed to the east and said "sun here take schooner and go to your place, after breakfast." They had told me they wanted to go to Siera Leone, and inquired if I would go there? I told them no. Told us they had plenty of money, and they appeared to have; they had handkerchiefs tied round them. I saw no money. They then went off to schooner, leaving perhaps six or eight on shore; this was after they had agreed to go to Sag Harbour. They lowered the mainsail and all but foretopsail; this was about 4 P. M.; we drove from the beach to the hills; saw a brig standing eastward towards Gardner's Point, which is N. W. from Culloden's Point, about 6 miles. The brig stood past the schooner, say 3 miles, and after passing she hauled up. We went back and

hailed the schooner; they answered but could not understand them; hailed again; they seemed to have discovered the brig (Washington.) A dozen or more came on shore in the boat with two trunks lashed, and said the trunks contained 400 doubloons, as near as I could understand. Capt. Fordham took one, carried it to the waggon, and they brought the other to our waggon. I heard something like money rattle in the trunk, but do not recollect which trunk it was. I enquired of them if I could go on board? They, seeing the Washington's boat coming, were anxious to have me go. The Washington's boat came up to the schooner, and then came to us and landed on the beach, and enquired who they were. We told them what we had seen in the papers. Mr. Porter said he would take them. One of the blacks took up one trunk, hove it on his shoulders, and I heard what I call money, rattle. They went off. The schooner was within hail, 25 or 30 rods from shore. At this time there were twenty-two on shore. I did not count them; one of our party did. Porter took part in his boat, and the schooner's boat the rest. I know the following were on shore; Sinqua, Banna, (he can talk some English.) The schooner lay on the east side of Culloden's Point; by shore it would measure about 6 miles from Montaug Point, 20 or 30 rods east of Culloden Point. This point is formed by Port Pond Bay; on the west side, Connecticut shore or Fisher's Island is the nearest land; on the north of this point, say 8 miles from Culloden's Point to Fisher's Island, N. W., is Gardner's Island.

Cross examination.

The schooner's boat did meet the Washington's boat between the shooner and shore; no chase; there was a pistol fired; when they met they were twice the width of the Senate chamber from shore; the Washington's boat was nearly up with the schooner's; there were 8 or 10 negroes (perhaps 6 or 8) in the schooner's boat when she came up. I cannot say how many were left on shore when the schooner's boat went off. Both carried all back to the schooner. I hailed the schooner to get the blacks and the trunks on shore; it was my object to take possession of the vessel; the brig was not within gun shot, but was "to windward." I have a libel filed, but am testifying to the truth. Two dogs purchased by the negroes of Mr. at a doubloon each, and in the boat. The schooner could have gone to sea in one hour, wind and tide in her favor. My talk was with Banna; a word or two with others. I could understand many words of Banna, but not all; broken sentences. Saw him first at the house, Banna, Sinqua, Antonio, and the other two I did not know. The brig had hauled up. There were a dozen or more came in the boat to the shore. "They said 400 doubloons"; could speak "money"; he held up his four fingers; cannot say whether Antonio was on shore when Sinqua whistled: when the Washington's boat neared the shore, Sinqua was on shore.

The count of 22 was not by me, but by another. There had but one boat load gone when I hailed the schooner. I saw no money; received none; some of our company saw the money. When Porter came on shore, the negroes fell on their knees about me. The schooner lay 25 or 30 rods from the shore in 3 fathoms water. Banna held up his fingers and said "400" distinctly and "doubloons." It rattled as though partly confined in a handkerchief. In chief, Green says that the persons on shore were Antonio, (he was at the house also,) thinks he came with the trunks, Sinqua, Banna, Burnie 2d, Folei, Gabbo, Faquenah.

Mr. Holabird, District Attorney, called Lieutenant Mead of the brig Washington.

On the morning of the 26th of August, we were runing a line under orders of the Government from Gardner's Point, towards Monlaug; between 1 and 2 P. M., discovered a vessel off Colludon's Point. The head of her gib and mainsail up; thought she was shore; at half past three we saw waggons on shore; Mr. Gedney ordered a boat manned; I volunteered with muskets and pistols loaded. Porter, myself, and six men proceeded to the schooner, and boarded her without difficulty. There was talking and some excitement on board.

Found the two Spaniards Montez and Ruiz, who threw themselves on our protection. I demanded the papers, and ordered all below; the papers were passed up the small hatchway.

After the schooner was taken possession of, Porter went towards the shore; there was a boat of negroes midway pulling towards the schooner first, and as they saw Porter's boat they pulled toward the shore. Porter could not make them come to, and fired a pistol, when they yielded immediately. It was all excitement, we heard there were two trunks on shore. I hoisted her Spanish colours in the fore riggin as a signal; my signal was discovered by the brig.

Porter brought seven or eight negroes in both boats on board the schooner, not more, and I put them down as they came on board the schooner; saw Porter chase the boat; heard the pistol and can state from my best recollections that at the farthest there were only nine brought aboard.

There were two dogs also tied; potatoes; gin. The trunks were brought up and put on the quarter deck. The dogs swam ashore. Sinquez jumped up the hatchway, and sprang overboard; was retaken and put in irons. By this time the brig got up; took the schooner in tow, and brought the schooner to New London; when I boarded the schooner, Montez and Ruiz were found in a miserable condition. The schooner when boarded was in three and a half fathom, under a mile and over half a mile from shore. I have examined the place since, and have pointed it out as near as possible; went on shore also for that purpose. Over half a mile; there is no bay there. In a gale she would have gone to pieces. The trunks were locked; found one key and examined. There was no money

in them. There was some money on board which the negroes voluntarily gave up. The witness pointed out the spot of the seizure on a map or chart.

Cross examined.

We were governed by the eye in fixing upon the spot a short distance from Colloden's Point; more than one-third of a mile. When the pistol was fired the boat was a cable's length from shore. When the negroes came on board the schooner, the brig was two and a half miles off. My post is second lieutenant.

I had much to do, and paid but little attention to Mr. Porter; I did see him bring the schooner's boat to. Not more than nine in all according to my best recollection.

Could not understand any one except Antonio. Put the negroes below at the point of the pistol. There was one, who could speak English words, but I could not make out what he said. Seized them on the 26th August, and delivered them to the marshal on the 29th.

Being very familiar with the place, and having often anchored Port Pond Bay, I know the place where the vessel was siezed. Assertained her position by sounding, and by observations on shore.

Dr. Sharp was on board the brig Washington when the schooner was seized. Then supposed she was a smuggler; Lieutenant Gedney has a commission from the Secretary of the Treasury to survey the coast. As we neared the *the* schooner, saw men and carts on shore. Lowered our boat with Porter, Lieutenant Mead and six men, and sent them off armed. I took the glass and observed all movements accurately; saw a boat pulling for the schooner; then turned for shore; our boat pulled after her; at the same time, saw persons going and coming on the beach. Then both boats returned to the schooner Armistad. Then we beat up towards the schooner, and a second boat was dispatched; at this time I saw Spanish colors. Came within hail; wind about S. W.; had been south, and gradually hauled round. Lieutenant Gedney ordered the schooner to get under way; we took her in tow, and brought her into New London. At the place of siezure there was no bay, harbor, nor protection whatever. The negroes on shore did not exceed nine. The people all left the beach and went to the schooner. She lay about half a mile from shore; I examined the place afterwards; from one-third to half a mile from shore.

Captain Mather of the United States Revenue Cutter.

On the 23d day of October, went in my cutter to the place where Lieutenant Mead said the schooner lay; went ashore, along the beach. There is nothing to protect a vessel, no harbour within a mile; that is Fort Pond Bay; nothing to the east; the place as shewn, was not far from half a mile from shore, 20 or 25 miles from Sag Harbour, three quarters of a mile eastward of Colloden's Point,

18 miles from New London, 11 miles *for* Fisher's Island, seven miles from Gardner's Island, very slight indentation of the coast; it is all but straight.

Charles F. Lester, Collector of New London.

On the 23d of October, went with Captain Marther, who placed the cutter as near as possible to the place where the schooner was siezed, as directed by Lieutenant Mead; four and a half fathoms water, at least three quarters a mile from shore, but looking from the vessel, I thought it half a mile; looking from the shore to the vessel three quarters a mile appeared to be the distance. As near Colloden's Point as the shore.

Counsel for the Africans call the following.—Schyler R. Conklin.

I live on Montaug, and within two and a half miles of the place of siezure. The vessel lay 25 or 30 rods from the shore. Did not count the negroes, but in my judgment there were more than 20 on shore. They surrendered to us. When the brig's boat went on board the schooner there were six men in the boat, four oarsmen, two officers. The negroes fetched a groan, I said, no slavery. Sinqua kissed my hand; he gave me his hat; he gave his knife to Sherman, and handkerchief to Captain Green.

On Sunday I saw the schooner; again on Monday; when I went to the beach, I found Captain Green and several negroes; five white men in all; cannot tell the number of negroes; quite sure Joseph Sinques was there; I let them have a bottle of gin; Captain Sherman rode up; Captain Green tried to get liberty to go on board; they would not consent. Three negroes went down with me; looked at the sun; sails partly hoisted.

Captain Green told them there were two men-of-war. They wanted to know if this was "slave country." Told them no. Sinques and all gave three cheers; Sinques then gave the presents. One negro gave one gun to me, loaded well; Captain Green convinced them that they could not go away. After the brig's boat boarded the schooner, some of the negroes took the schooner's boat and pushed off for the schooner, which met the Washington's boat, and both came on shore together. Fired a pistol over our heads. Saw Sinqwez jump overboard; they took the boat back.

Cross examined.

I sold a dog to the negroes for one doubloon; Sinquez was not there then. Sherman sold a dog also for the same. I have my doubloon now. Sold gin and dinner for 25 cents; one had money tied round him; showed me a doubloon and I took it. He pointed to one trunk and said 200 doubloons, same to the other trunk. It did not jingle like silver. Three had handkerchiefs tied round them. They showed me doubloons, half doubloons, shilling pieces and six penny pieces;

gold also, could not tell how much, and quarters, tied with twine to seperate them.

Captain Fordham.—Visits Monlaug to shoot; Sunday the 25th of August, saw the schooner; had been seen. It was noticed in the papers. Gave Captain Green an invitation to go to Montaug, which is about 20 miles from Sag Harbonr. When we arrived at the house of Mr Conklin, saw some of these negroes there. They wanted rum. The squint-eyed fellow could talk broken English, but I could not understand much about it; said "sick;" saw a brig and I said "New York;" he repeated "New York;" he spoke "Siere Leone and River Gambi." As he pointed to the sun he said going to sea at one o'clock. He followed the negroes down, overtook them, and when we got to the beach there were about 20 negroes, principal part naked. They had a fire on the beach, and I saw the Canibal. Thought to get possession of the schooner. Two other white men came from different quarters; after talking with them some time, the squint-eyed man sent the boat on board the schooner, and brought back a tall negro, who spoke to Captain Green, and then this tall negro gave a whistle, and they all rose from the sand, and gave a yell. We told them we would go on board; they said no; and said "to-morrow." I was for going on board then, but others thought not; there might be some trouble, and we concluded to go back, and take the schooner tomorrow. They lowered the mainsail and gib. Saw now the brig Washington; she had discovered the schooner. We then concluded to go back and go on board so as to get the prize before the Washington. We halloed to them, (the negroes) a boat load started, eight or ten, and brought two trunks and large budget tied up with marling rattling stuff; as they landed they hove the trunks up by the waggon; we told them to let us take the schooner, they said no. Saw the brig's boat coming so near that we could not get the possession of the vessel. As soon as they saw the boat coming they were anxious to have us go. Mr. Porter's boat met their boat; they fired a pistol. We told Porter that they had given up the vessel to us. I saw a gold piece or two. When she was boarded the *the* sun was an hour high. The schooner was, not to exceed thirty rods from the shore, it might be less. The wind was favorable for them to go to sea, and they would have gone in spite of boat or brig. There was but one who could talk; he pronounced "Captain Green." Any one could understand from words and signs. Heard "doubloons" distinct. I have named all the white men, five in all; Joshua Perry, was not there. Myself, Sherman, Conklin, Green, and ——— ———. The schooner lay just out of Colloden Point, close into the shore; a little —— Colloden harbour is a safe harbour; the shore is a little winding. In the summer season with the wind southard and eastward where this vessel lay, smacks lay frequently. Fort Pond Bay is no winter harbour, nor this; I have anchored there myself.

Dwight P. Janes. Was on board the cutter with Lieutenant Mead and others, when the examination was had, on the 23d of October. Lieutenant Mead anchored the cutter where he said the Armistad was seized; then we went on shore. She lay in 3 1-2 fathom; sounded to 2 fathom. There was a little inſentation—not very bad—where we landed. I concurred with Captain Mather as to the distance from shore. Run several rods for a fathom.

Council for the Libellants call Norris Willcox, Marshall.

The schooner is 55 or 60 tons burthen; the boat was in bad condition, and cannot say what she would carry now. If in repair, she might carry 12 men. As to the value of the schooner, she might bring $1,000. Should think the cargo might sell for something like $4,000, when I took possession. When I took possession, cannot tell how much water there was on board—a few kegs; all the provisions on board were jerked beef, vermacilla, not over 2 or 3 days' water. There has been some expense of storeage. The goods are in the public store; they are in charge of the collector of the port. Wharfage, 50 cents a day.

Erastus Osborn.—Mr. Lester and myself were called on to assess the cargo. It might sell here for something like $4,000; not saleable here; dry goods, hardware, leather suitable for West India market; packages had been opened by the negroes. Examined the package as well as we could; most of the bales had also been opened. Vessel worth about $1,000.

Sulivan Haley.—Stood by and heard Mr. Janes ask Ruiz questions, and, in reply, he said none could speak Spanish except Antonio; they are just from Africa. First, he inquired if any could speak English, and then if any could speak Spanish, as above. This was the second day of *Green's.* No one stood by to hear the conversation, except Janes; it was in the cabin. Mr. Ruiz said one could speak a few words of English, and he had probably acquired it on the coast of Africa. He did not say that he owned them, in my hearing. There were a number of gentlemen in the cabin.

Dwight P. Janes recalled by Mr. Baldwin.

Went on board the brig with Mr. Lester and others. Ruiz went into the cabin, and I inquired of him if any could speak English? His answer was, none but one; he a few words: and then I inquired if they could speak Spanish? he said no, they were just from Africa. I wished to know all the circumstances. He then said that 48 or 49 belonged to him, and 4 to Montez. He said the captain and cook were killed, the cabin-boy saved. The cook and cabin-boy were slaves of the captain of the schooner.

Cross examined.

Do not recollect that he told me where he got the slaves. The crew consisted of 5, and there were 2 passengers, as he said. I reckoned up all, and made out 60. Said they had been 3 or 4 days at sea.

James Covey (Colored Man.)

Was born at Berong-Mendi country; left there seven and half years ago; was a slave and carried to Lumboko. All these Africans were from Africa. Never saw them until now. I could talk with them. They appeared glad because they could speak the same language. I could understand all but two or three. They say they from Lumboke; three moons. They all have Mendi names and their names all mean something; Carle, means bone; Kimbo, means cricket. They speak of rivers which I know—said they sailed from Lumboko; two or three speak different language from the others; the Timone language. Say-ang-wa rivers spoken of; these run through the Vi country. I learned to speak English at Sierre Leone. Was put on board a man-of-war, one year and a half. They all agree as to where they sailed from. I have no doubt they are Africans. I have been in this country six months; came in a British man-of-war; have been in this town (New Haven,) four months with Mr. Bishop; he calls on me for no money and do not know who pays my board. I was stolen by a black man who stole ten of us. One man carried us two months walk. Have conversed with Sinqua; Barton has been in my town, Gorang. I was sailing for Havannah when the British man-of-war captured us.

The Testimony of Sinqua.

There were on shore on Long Island, Sinqua, Grabo, Bato, Burnah, Kimbo, Fulewa, Gnaquoi, Kena, Berrie, Con, plenty more. These are all he remembers by name. Gave two guns, knife, and hat to Captain Green. Mereh, Quato, and Grabo had been up to the houses; five white men came on shore; Capt. Green was one of them; told Capt. Green, he might take the vessel. Burnah talked with Capt. Green. I whistled, black men ran up, white men got their guns; then black men gave up knife; we were going to Sierre Leone; told Capt. Green we wanted to go to Sierre Leone; Grabo and Quato, carried two trunks ashore; plenty men on shore wanted to go to Capt. Green, if he would carry them to Sierre Leone; wanted him to go with them to Sierre Leone. Got plenty water on board, not all they wanted to get. Three moons from Africa to Havanna; ten nights in Havanna, three moons and a half from Havanna; we all came to Havanna in same vessel except the three little girls and Carli; we first saw them in Havana; we sailed from Dumboko, or Lomboko; the little girls are Mandi, Carli, too fiom Africa; I came from Mendi to Lomboko, was taken on road, four men took me, not taken in war, never sold myself, I met the others at Lomboko; I have one wife and three children; don't know captain of schooner, man was killed; knows Pepe and Pedro. Sesse, steer vessel, make sail, make fire with box, bought dog with money, Grabo, and Bata, took trunks ashore, no money in trunks, clothes; first saw Pipe in Havanna, in prison house; Pipe, feel of me, said, "Fine," "fine."

The man that brought us from Lomboko, was with Pipe at that time. In vessel that brought us to Havanna, we were chained, hand and feet, together. [Here Sinqua set down on floor, and held his hands together, and showed how they were manacled.] On board the schooner Armstad, half eat, half drink. The cook told us they carry us to some place, and kill and eat us. We were beaten. Pipe told sailors to beat us. Pedro did not. The captain and sailors whip them. Pepe did not whip. They whipped Kembo, Seme, Burnah—Pipe was present. Kali went on shore, (Long Island.) Yabboi, Shuma, Faquanah, Baah, Dammah; Shula was not on shore.

The Testimony of Grabo.

Testified that he went on shore; saw Capt. Green; plenty on shore; Fawne, Con, Sinqua, Fuleeaa, Quato, or (Bato,) Kimbo, Gabboi, Kennah, Fulawaler, Antoine, Morrah, Baah, Nahquoi, Pupmann, all he knows. Being asked, where did you sail from to Havanna, he said "Lomboko." Sinqua came in same vessel. Met Sinqua at Lomboko. Boki took him, (Grabo,) to Lomboko; Boki found him in the road; met the others at Lomboko. Don't knew who killed the captain. He, Grabo, was below deck. Sesse steer. No money in trunks. When went ashore, they wanted to get water. Had not got water enough. Was on shore when brig (Washington) boat came. He went back in brig's boat. Saw Capt. Green on shore; did not talk with him. Sinqua whistled. The black men answered. The white men ran after their arms. The black men sat down and gave up their arms. They wanted Capt. Green to take them to Sierra Leone, not *not* that day. Wanted more water. Did not mean to go to sea that day. White men told them ship of war. Wanted to go to sea to Sierre Leone.

Foulewa testified, that there were on shore when the brig took them, Grabon, Dammeah, Baah, Con, Burnah, Quato, Sinqua, Antonio, Morrah, Nahquoi, Peah, Shumah, Pequanah, Berrie, Kimbo, Kenna, some one side and some on other side. We all sailed from Lomboko, in same vessel, all but the three little girls, Teme, Kene, Mahqua and Carli. They natives of same *same* country. Three moons to Havanna, 10 nights at Havanna, all kept in house together; one potatoe and two plantains to eat in schooner. I was whipped, and Kimbo for stealing water. Sailors whipped—Pepi told them to. Cook told us they'd kill and eat us. Pipe gave whip to one of the sailors. The captain killed one black man before he was killed. Sinqua killed cook, because cook said he was going to kill them and eat them. Killed captain after he killed African.

Antoine testified, that Raymon Ferrer was his master, the captain of Armistad; that he, Antonie, was on board when blacks came on board. It was 8 o'clock in evening. Ruiz brought them all on board but four. Montez brought Mahgra, Teme, Kene, Cali, all small children—bound to Puerto Principe—loose, not chained. Sinqua killed captain with cane knife—see it with my eyes; can't tell who killed cook—cook was killed first; killed with

cane knife. Captain was standing—killed in night; dark; thrown over in day time; don't know what done with his watch. Sinqua took master's watch. Cook slept in schooner's boat—fed on rice, plantain, banana, cracker, meat—plenty to eat. Captain killed, 2 days after sailed from Havanna. The cook told them by signs, going to Puerto Principe, to kill them and eat them. Don't know why he told them so. Don't know that it was in sport. Cook could not speak African; did not see the blacks whipped. They tied me, and Montez, and Ruiz—Montez was wounded; Sinqua, and Barnah, and Grabo, took command. Sinquez was going to kill Montez, and me, and Burnah, because Burnah took Montez and Ruiz' part. Sinqua did not want to go back to Havanna. I was tied to the anchor of schooner. Burnah cut me loose. I was in the schooner's boat, going to the schooner from shore, (Long Island.) There were with me, seven; went with me on shore, Sinqua, Grabo, Burnah, Antonio, little Burnah; I can't tell any more names. There were others on shore. I think 20 were on shore—did not count how many. Brig's boat was a big one; may be, 10 black men carried on board in it, and 8 in schooner's boat—can't tell the names. Sinqua told me to go on shore. He had been on shore before. I was in the boat when pistolfired (from Lt. Mead's boat.) The others had been on shore. Burnah could talk a little—he could not talk Spanish. Saw Capt. Green. Burnah talked with Capt. Green. All men went on shore. Cook made signs, when he told black men they were going to eat them. My master, Capt. Ferrer, told me to throw bread among them. They had for one man, 2 plantains, rice, beef; 1-2 were kept below. The schooner Amistad had carried slaves before—every two months made trip. Ruiz had before carried slaves. Burnah was whipped for stealing water. Sinqua thought, when Burnah talked with Pedro—they take schooner back to Havanna. He wanted to go to Africa. I did not testify at Hartford, that I did not know who killed captain. The lamps at Havanna, were lighted when they came on board Amistad. I don't know who struck Montez.

Prof. Josiah W. Gibbs.

The term ladino and bozal, as defined in the Spanish dictionary, refer to the capacity or incapacity of speaking the language of the country. Ladino, literally, means "versed in the idiom—speaking the language fluently." Bozal is the opposite of the other term; as defined, it denotes "muzzled," and is applied in the colonies to negroes lately imported from Africa; and in Madrid, to persons from those provinces, in which a rude language is spoken. The term ladino, I understand to denote as used in Cuba, those Africans who have resided there long enough to speak the language fluently. I have spent a good deal of time in investigating the principles of language. From the language and manners of these negroes, I have formed a decided opinion, that they are native Africans, and recently from Africa. My knowledge of the Mandi language, I have acquired

from James Covey, in the first instance, in the same manner as I derived my knowledge of the English language from my parents. I have evidence that is the English language, from my intercourse with others. I made out a vocabulary of the Mendi language from James Covey; and I am now able by means of it, to converse with twenty or thirty of these Africans. They cannot speak the Spanish language. There are among them several different dialects. One speaks the Bullom; three, the Timone. The language they speak agrees with the vocabulary of the Timone, as given the books. I find that these Africans speak of rivers; some of which, I can identify as the rivers of the region in Africa, from which they claim to have come.

Capt. Marther, recalled. Testifies, that the boat is heavy oak-boat, 12 feet long—old; and if in good order would not hold 10 men.

David Bacon testified, that Dumbomo, called Dumbok or Lumboko, was a place on the coast of Africa, where there was a slave factory.

And, thereupon, it was admitted in open court, by the district attorney of the United States for said district, that the several respondents are native Africans, and recently imported into the Island of Cuba, as alleged in their answers to the libels of the said attorney.

And the said respondents, exhibited in evidence, the treaty between Spain and Great Britain, dated the 23d day of September, A. D., 1817; and the letter of Don Luis De Onis, the minister of the King of Spain, communicating the same to the Government of the United States, dated the 14th day of May, 1818; which treaty and letter are in the words and figures following, viz:

Treaty between Great Britain and Spain for the abolition of the slave trade, signed at Madrid, 23d September, 1817.

In the Name of the Most Holy Trinity.

It having been stated in the second additional article of the treaty signed at Madrid, on the 5th day of July, of the year 1814, between his majesty the King of the United Kingdom of Great Britain and Ireland, and his majesty the King of Spain and the Indies; that his Catholic majesty, concurs in the fullest manner, in the sentiments of his Britannic majesty, with respect to the injustice and inhumanity of the traffic in slaves; and promises to take into consideration, with the deliberation, which the state of his possessions in America demands, the means of acting in conformity with those sentiments; and engages, moreover, to prohibit his subjects from carrying on the slave trade, for the purpose of supplying any island or possessions, excepting those appertaining to Spain; and to prevent, by effectual measures and regulations, the protection of the Spanish flag being giving to foreingners, who may engage in this

traffic, whether subjects of his Britannic majesty, or of any other state or power.

And his Catholic majesty, conformably to the spirit of this article, and to the principles of humanity, with which he is animated, having never lost sight of an object so interesting to him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with his Brittannic majesty, in the cause of humanity, by adopting in concert with his said majesty, efficacious means for bringing about the abolition of the slave trade; for effectually suppressing illicit traffic in slaves, on the part of their respective subjects; and for preventing Spanish ships trading in slaves, conformably to law and to treaty, from being molested or subjected to losses from British cruizers. The two high contracting parties have accordingly named, as their plenipotentiaries, viz:

His majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Henry Wellesly, a member of his majesty's most honorable privy council, knight grand cross of the most honorable order of the Bath, and his majesty's ambassador extraordinary and plenipotentiary to his Catholic majesty; and his majesty the King of Spain and the Indies, Don Josef Garcia Leon y Pizarro, knight grand cross of the royal and distinguished Spanish order of Charles the Third, &c. &c. &c., counsellor of state, and first secretary of state, and of the general dispatch; who, having exchanged their respective full powers, found to be in good and due form, have agreed upon the following articles:

1st. His Catholic majesty engages, that the slave trade shall be abolished throughout the entire dominions of Spain, on the 30th day of May, 1820; and that, from and after that period, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa, upon any pretext, or in any manner whatever; provided, however, that a term of five months, from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of vessels which shall have cleared out, lawfully, previously to the said 30th May.

II. It is hereby agreed, that from and after the exchange of the ratifications of the present treaty, it shall not be lawful for any of the subjects of the crown of Spain to purchase slaves, or to carry on the slave trade on any part of the coast of Africa, to the north of the equator, upon any pretext, or in any manner whatever; provided, however, that a term of six months, from the date of the exchange of the ratifications of this treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast, previously to the exchange of the said ratifications.

III. His Britannic majesty engages to pay, in London, on the 20th of February, 1818, the sum of £400,000 to such person as his Catholic majesty shall appoint to receive the same.

IV. The said sum of £400,000 is to be considered as a full com-

pensation for all losses sustained by the subjects of his Catholic majesty engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present treaty; as also, for the losses which are a necessary consequence of the abolition of the said traffic.

5th. One of the objects of this treaty, on the part of the two governments, being mutually to prevent their respective subjects from carrying on an illicit slave trade, the two high contracting parties declare, that they consider, as illicit, any traffic in slaves, carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel, or under any flag whatsoever.

2d. By Spanish ships, upon any part of the coast of Africa, north of the equator, after the exchange of the ratifications of the present treaty; provided, however, that six months shall be allowed for completing the voyages of vessels, conformably to the tenor of the second article of this treaty.

3d. Either by Spanish ships, and under the Spanish flag, or for the account of Spanish subjects, by any vessel, or under any flag whatsoever, after the 30th of May, 1820, when the traffic in slaves, on the part of Spain, is to cease entirely; provided, always, that five months shall be allowed for the completion of voyages commenced in due time, conformably to the first article of this treaty.

4th. Under the British or Spanish flag, for the account of subjects of any other government.

5th. By Spanish vessels bound for any port not in the dominions of his Catholic majesty.

6th. His Catholic majesty will adopt, in conformity to the spirit of this treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the high contracting parties have in view.

7th. Every Spanish vessel which shall be destined for the slave trade on any part of the coast of Africa, where this traffic is still, continues to be lawful, must be provided with a royal passport, conformable to the model annexed to the present treaty; and which model forms an integral part of the same. This passport must be written in the Spanish language, with an authentic translation in English annexed thereto; and it must be signed by his Catholic majesty, and countersigned by the minister of marine, and also, by the principal naval authority of the district, station, or port from whence the vessel clears out, whether in Spain or in the colonial possessions of his Catholic majesty.

8th. It is to be understood, that this passport, for rendering lawful the voyages of slave ships, is required only for the continuation of the traffic, south of the line; those passports, which are now issued by the first secretary of state of his Catholic majesty, and in the form prescribed by the order of the 16th of December, 1816,

remaining in full force for all vessels which may have cleared out for the coast of Africa, as well to the north as to the south of the line, previously to the exchange of the ratifications of the present treaty.

9th. The two high contracting parties for the more complete attainment of the object of preventing all illicit traffic in slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies which shall be provided with special instructions for this purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected upon reasonable grounds, of having slaves on board, acquired by an illicit traffic; and in the event only of finding slaves on board, may detain and bring away such vessels in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified; provided, always, that the commanders of the ships of war of the two royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

As this article is entirely reciprocal, the two high contracting parties engage, mutually to make good, any losses which their respective subjects may incur unjustly by the arbitary and illegal detention of their vessels.

It being understood, that this indemnity shall invariably be borne by the government whose cruisers shall have been guilty of the arbitrary detention; provided, always, that the visit and detention of slave ships, specified in this article, shall only be effected by those British or Spanish vessels which may form part of the two royal navies; and by those only of such vessels which are provided with the special instructions annexed to the present treaty.

10th. No British or Spanish cruizer shall detain any slave ship not having slaves actually on board; but in order to render lawful the detention of any ship, whether British or Spanish, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board of Spanish ships must have been taken from that part of the coast of Africa, where the slave trade is prohibited, conformably to the tenor of the present treaty.

11th. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own government with a copy of the instructions annexed to the present treaty, and which shall be considered as an integral part thereof.

These instructions shall be written in Spanish and English, and signed for the vessels of each of the two powers, by the minister of their respective marine.

The two high contracting parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two high contracting parties.

12th. In order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year, at furthest, from the exchange of the ratifications of the present treaty, two mixed commissions formed of an equal number of individuals of the two nations, named for this purpose by their respective sovereigns.

These commissioners shall reside, one in a possession belonging to his Brittanic majesty; the other, within the territories of his Catholic majesty; and the two governments, at the period of the exchange of the ratifications of the present treaty, shall declare, each for its own dominions, in what places the commissioners shall respectively reside.

Each of the two high contracting parties, reserving to itself the right of changing, at its pleasure, the place of residence of the commissions held within its own dominions; provided, however, that one of the two commissions shall always be held upon the coast of Africa, and the other, in one of the colonial possessions of his Catholic majesty.

These commissions shall judge the causes submitted to them, without appeal, and according to the regulation and instructions annexed to the present treaty, of which they shall be considered as an integral part.

13th. The acts or instruments annexed to this treaty, and which form an integral part thereof, are as follows:

No. 1. Form of passport for the Spanish merchant ships, destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the mixed commissions, which are to hold their sittings on the coast of Africa, and in ome of the colonial possessions of his Catholic majesty.

14th. The present treaty, consisting of fourteen articles, shall be ratified, and the ratifications exchanged at Madrid, within the space of two months from this date, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at Madrid, the 23d of September, 1817.

Signed HENRY WELLESLEY. [L. S.]
JOSE PIZARO. [L. S.]

Don Luis de Onis to the Secretary of State.

SIR: The introduction of negro slaves into America was one of the earliest measures adopted by the august ancestors of the king, my master, for the improvement and prosperity of those vast dominions, very shortly after their discovery. The total inaptitude of the Indians to various useful, but painful labors, the result of their ignorance of all the conveniencies of life, the imperfect progress in civil society, made it necessary to have recourse to strong and active

laborers for breaking up and cultivating the earth. With the double view of stimulating them to active exertion, and of promoting the population of those countries, a measure was resorted to by Spain, which, although repugnant to her feelings, is not to be considered as having originated the system of slavery, but as having materially alleviated the evils of that which already existed, in consequence of a barbarous practice of the Africans, upon saving the lives of a considerable portion of the captives in war, whom they formerly put to death.

By the introduction of this system, the negroes, far from suffering additional evils or being subjected, while in a state of slavery, to a more painful life than when possessed of freedom in their own country, obtained the inestimable advantage of a knowledge of the true God, and of all the benefits attendant on civilization.

The benevolent feelings of the sovereigns of Spain did not, however, at any time, permit their subjects to carry on this trade but by special licenses; and in the years 1789, 1798, and on the 22d of April, 1804, certain limited periods were fixed for the importation of slaves. Although the last term had not expired when his majesty our lord Don Ferdinand the Seventh was restored to the throne, of which a perfidious usurper had attempted to deprive him, his majesty on resuming the reins of government soon perceived that those remote countries had become a prey to civil feuds; and in reflecting on the most effectual means of restoring order, and affording them all the encouragement of which they are susceptible, his majesty discovered that the numbers of the native and free negroes had prodigiously increased under the mild regimen of the government and the humane treatment of the Spanish slave owners; that the white population had also greatly increased; that the climate is not so noxious to them as it was before the lands were cleared; and, finally, that the advantages resulting to the inhabitants of Africa in being transported to cultivated countries are no longer so decided and exclusive, since England and the United States have engaged in the noble undertaking of civilizing them in their native country.

All these considerations, combining with the desire entertained by H. M. of co-operating with the Powers of Europe in putting an end to this traffic, which, if indefinitely continued, might involve them all in the most serious evils, have determined H. M. to conclude a treaty with the King of the United Kingdom of Great Britain and Ireland, by which the abolition of the slave trade is stipulated and agreed on, under certain regulations, and I have received his commands to deliver to the President a copy of the same; his majesty feeling confident that a measure so completely in harmony with the sentiments of this government, and of all the inhabitants of this republic, cannot fail to be agreeable to him.

In the discharge of this satisfactory duty, I now transmit you the aforesaid copy of the treaty, which I request you will be pleased to

lay before the President; and I have the honor to renew the assurances of my distinguished respect.

God preserve you many years.

LUIS DE ONIS.

Washington, 14th May, 1818.

And the respondents also exhibited in evidence the treaty between Spain and Great Britain, dated the 28th day of June, 1835, and the ordinance of her majesty the Queen of Spain, dated the 2d of November, 1838; which treaty and ordinance are in the words and figures following, viz:

Treaty between his Majesty and the Queen Regent of Spain, (during the minority of her daughter, Donna Isabella the 2d, Queen of Spain,) for the abolition of the slave trade. Signed at Madrid, the 28th June, 1835.

His majesty the King of the United Kingdom of Great Britain and Ireland, and her majesty the Queen Regent of Spain, during the minority of her daughter, Donna Isabella the 2d, Queen of Spain, being desirous of rendering the means taken for abolishing the inhuman traffic in slaves more effective, have, in order to obtain this important object, resolved to conclude a new convention, in the spirit of the treaty contracted between both powers on the 23d of September, 1817, naming respectively for this, as their plenipotentiaries, to wit: his Brittannic majesty, George Villers, Esquire, his envoy extraordinary and minister plenipotentiory at the court of Madrid; and her majesty the Queen Regent of Spain, Don Francisco de Paula Martinez de la Rosa, knight grand cross of the royal and distinguished Spanish order of Charles 3d, of that of Christ of Portugal, and of that of Leopold of Belgium; who, having duly communicated to each other their respective full powers, and found them in proper form, have agreed upon and concluded the following articles:

Art. 1. The slave trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world.

2d. Her majesty the Queen Regent of Spain, during the minority of her daughter, Donna Isabella the 2d, hereby engages, that immediately after the exchange of the ratifications of the present treaty, and from time to time afterwards, as may become needful, her majesty will take the most effectual measures for preventing the subjects of her Catholic majesty from being concerned, and her flag from being used, in carrying on, in any way, the trade in slaves; and, especially, that within two months after the said exchange, she will promulgate throughout the dominions of her Catholic majesty, a penal law, inflicting a severe punishment on all those her Catholic majesty's subjects who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves.

3d. The captain, master, pilot, and crew of a vessel condemned as good prize by virtue of the stipulations of this treaty, shall be severely punished, according to the laws of the country of which they are subjects; as also the owner of the said condemned vessel, unless he proves that he had no participation in the enterprize.

4th. In order more completely to prevent all infringement of the spirit of the present treaty, the two high contracting parties mutually consent that those ships of their royal navies respectively, which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruizers, been engaged in the traffic in slaves, contrary to the provisions of this treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial, in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner, as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form, and according to the rules following:

1st. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty.

2d. In no case shall the right of search be exercised with respect to a vessel of the royal navy, of either of the two powers, but only as regards merchants vessels.

3d. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall in the act of so doing, exhibit to the commander of the merchant vessel the document, by which he is duly authorized to that end, and shall deliver to him a certificate, signed by him, stating his rank in the navil service of his country, and the name of vessel he commands, and which also declares, that the only object of the search is to ascertain whether the vessel is employed in the slave traffic, or if it is fitted up for the said traffic.

When the search is made by an officer of the cruizer, who is not the commander, the said officer shall exhibit to the captain of the merchant vessel, a copy of the before mentioned special orders, signed by the commander of the cruizer, and shall in like manner, deliver a certificate signed by him, stating his rank in the royal navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search, that the papers of the vessel are in regular order, and that it is employed on licit objects, the officer shall enter in the log-book of the vessel, that the search has been made in pursu-

ance of the aforesaid special orders; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant of the royal navy, unless the command either by reason of death or other cause, is at the time held by an officer of inferior rank.

4th. The reciprocal right of search and detention shall not be exercised within the Mediterranian sea, or within the seas in Europe, lying without the straights of Gibralter, and which lie to the northward of the 37th parallel of north latitude, and also within and to the eastward of the meridian of longitude, 20 degrees west of Greenwich.

5th. In order to regulate the mode of carrying the provissions of the preceding article into execution, it is agreed,

1st. That all the ships of the royal navies of the two nations which shall be hereafter employed to prevent the traffic in slaves, shall be furnished by their respective governments with a copy, in the English and Spanish languages, of the present treaty of the the instructions for cruizers, annexed thereto, marked A, and of the regulations for the mixed courts of justice, annexed thereto, marked B; which annexes, respectively, shall be considered as integral parts of the treaty.

2d. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders ought to hold the rank of captain in the royal navy, or at least of lieutenant; it being, nevertheless, understood, that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall be sufficient, in case of death or temporary absence of the same, to authorize the officer on whom the command of the vessel has devolved, to make the search, although the said officer may not hold the aforesaid rank in the service.

3d. That if at any time the commander of *of* a cruizer of either of the two nations shall suspect that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation, carries slaves on board, or has been engaged in the traffic of slaves, or is fitted out for the purpose thereof, the said commander of the cruizer shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruizer, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the points where the mixed courts of justice are stationed, in order that the just sentence may there be pronounced.

4th. It is further mutually agreed, that the commanders of the ships of the two royal navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

VI. As the two preceding articles are entirely reciprocal, the

two high contracting parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels, it being understood that this indemnity shall be borne by the government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels, specified in the 4th article of this treaty, shall only be effected by those British or Spanish ships which may from part of the two royal navies respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats, shall be made within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

VII. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the 4th article of this treaty, there shall be established, as soon as may be practicable, two mixed courts of justice, formed of an equal number of individuals of the two nations, and named for this purpose by their respective sovereigns. These courts shall reside, the one in a possession belonging to his Britannic majesty, the other within the territories of her Catholic majesty, and at the period of the exchange of the ratifications of the present treaty the two governments shall declare, each for its own dominions, in what place these courts shall respectively reside. But each of the two high contracting parties, reserves to itself the right of changing, at its pleasure, the place of residence of the court held within its own dominions; provided, always, that one of the two courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of her Catholic majesty.

These courts, from which there shall be no appeal, shall judge the causes submitted to them according to the provissions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof.

VIII. It is hereby agreed, between the high contracting parties, that the mixed commissions, which are at *are* present established and sitting under *under* the convention concluded between Great Britain and Spain on the 23d September, 1817, shall continue to sit; and shall during two months, to be reckoned from the exchange of the ratification of this treaty, and until the further appointment and definitive establishment of the mixed courts of justice under the present treaty, adjudge, without appeal, according to the principles and stipulations of the same, and of the several annexes thereof, the cases of such vessels as may be sent or brought before them; and any vacancies which may occur in such mixed commission, shall be filled up in the same manner in which vacancies of the mixed courts of justice, to be established under the provissions of this treaty, are to be supplied.

IX. In case the commanding officer of any of the ships of the

royal navies of Great Britain and of Spain, respectively, duly commissioned according to the provisions of article IV of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and in such case, the government to which such commanding officer may belong, binds itself to cause enquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

X. It is hereby further mutually agreed, that every merchant vessel, British or Spanish, which shall be visited by virtue of the present treaty, may lawfully be detained, and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:

1st. Hatchees with open gratings, instead of the close hatches which are used in merchant vessels.

2d. Divissions or bulk-heads in the hold, or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3d. Spare planks, fitted for laying down as a second or slave-deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in cask, or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks, or of other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manio or cassade, commonly called farinha of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn not being entered on the manifest as part of the cargo for trade: any one or more of these several circumstances, if proved, shall be considered as prima facia evidence of the actual employment of the vessel in the slave trade, and the vessel shall thereupon be condemned and declared lawful prize, unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at

the time of her detention or capture, employed in some legal pursuit.

XI. If any of the things specified in the preceding article shall be found in any merchant vessel, neither the master, nor owner, nor any person whatever, interested in her equipment, shall be entitled to compensation for losses or damages, even though the mixed courts of justice should not pronounce any sentence of condemnation, in consequence of her detention; but the same tribunal shall be authorized to pay out of the prize fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

XII. It is agreed between the two high contracting parties, that in all cases in which a vessel shall be detained under this treaty by their respective cruizers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the mixed courts of justice, to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

XIII. The negroes who are found on board of a vessel detained by a cruizer, and condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposition of the government whose cruizer has made the capture, but on the understanding that not only they shall be immediately put at liberty and kept free, the government to whom they have been delivered guaranteeing the same, but likewise engaging to afford, from time to time, and whenever demanded by the other high contracting party, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the treaty in this respect. For this purpose the regulations annexed to this treaty, marked C., as to the treatment of negroes liberated by sentence of the mixed courts of justice, have been drawn up, and are declared to form an integral part of this treaty.

The two high contracting parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

XIV. The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the royal navies of both nations destined to prevent the traffic in slaves.

B. Regulations for the mixed courts of justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of her Catholic majesty.

C. Regulations as to the treatment of liberated negroes.

XV. The present treaty, consisting of fifteen articles, shall be ratified, and the ratifications thereof exchanged, within the space of two months from this date, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed in duplicate, two originals, English and Spanish, [L. S.] the present treaty, and have thereunto affixed the seal of their arms, Madrid, this 28th day of June, in the year 1835.

GEORGE VILLIERS,
FRANCISCO MARTINEZ DE LA ROSA.

Royal order addressed to his Excellency, the Governor General of the Island of Cuba, 2d November, 1838. Ministry of marine, commerce, and colonies.

ROYAL ORDER.

MOST EXCELLENT SIR: It having come to the knowledge of her majesty, the august Queen Regent, that in contravention of the order on the subject, and of the principles of humanity and of public convenience, with infraction of the treaties lately concluded with the Government of her Britanic majesty, and placing in danger the principal interests of that precious Island, clandestine introduction of black slaves have been made at some places; her majety, who takes the greatest interest in the security and prosperity of the worthy inhabitants of that rich colony, and who is convinced of the urgent necessity of putting a stop to such an abuse, which may give rise to evils of the greatest transcendency, has been pleased to resolve that your Excellency shall apply the strongest zeal in dictating the necessary measures for preventing this deplorable contraband, and obliging the local authorities to prosecute with energy those who are engaged in it, and bring the perpetrators before competent tribunals for their exemplary punishment. I communicate this to your Excellency by express royal order, and by the same I send a copy to the naval commander of the station, in order that he may, with his forces, carry into effect the beneficent wishes of her majesty. God save your Excellency.

PONZOA.

Madrid, 2d Nov. 1838.

The authenticity of which several treaties and ordinances was also in court, admitted by the district attorney.

Also the ordinance of the King of Spain, dated December, 1817, as published in the Appendix to Wheaton's Reports, and incorporated in the decree.

The counsel for the Africans read the statute of New York, providing as follows:

S. 1. No person held as a slave shall be imported, introduced, or brought into this State, on any pretence whatever, except in the cases hereinafter specified. Every such person shall be free. Every person held as a slave who hath been introduced or brought in this State contrary to the laws in force at the time, shall be free.

S. 2. The preceding section shall not be deemed to discharge from service any person held in slavery in any State of the United States, under the laws thereof, who shall escape into this State.

S. 3. Any inhabitant of any other State emigrating into this State, with intent to reside permanently therein, may bring with him any person lawfully held in slavery, and belonging to such inhabitant under the laws of the State from which he shall remove, who was born since the fourth day of July, one thousand seven hundred and ninety-nine, and before the fourth day of July, one thousand eight hundred and twenty-seven, upon the condition that such emigrant shall file with the clerk of the city or town in which he shall come to reside, within six months after his removal into this State, his own affidavit in writing, containing the name and addition of such emigrant, the county and State from which he removed, and the time of his arrival in this State, together with the name, age, and sex of the person so held in slavery. The said affidavit shall be recorded by the clerk with whom it shall be filed, in a book to be provided for the purpose; which record and a certified copy thereof, shall be good evidence of the facts therein contained.

S. 4. Every such person held in slavery aforesaid, and born after the 4th day of July, 1799, who hath been brought into this State according to the provisions of the preceding section, since the 31st day of March, 1817, shall be free, but shall remain the servant of him to whom such person belonged, and of his executors, administrators, in the same manner as if such person had been bound as an apprentice according to law, and shall continue in such service if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years.

S. 5. The term of service of such persons who shall so be brought into this State, after this title becomes a law, shall be only until they attain the age of twenty-one years respectively.

S. 6. Any person not being an inhabitant of this State, who shall be travelling to or from, or passing through this State, may bring with him any person lawfully held by him in slavery, and may take such person with him from this State, but the person so held in slavery, shall not reside or continue in this State more than nine months, and if such residence be continued beyond that time, such persons shall be free.

S. 7. Any person who, or whose families shall reside part of the year in this State, and part of the year in any other State, may remove and bring with him or them, from time to time, any person lawfully held by him in slavery, into this State, and may carry such person with him or them out of this State.

S. 8. No person shall under any colour or pretext whetever, sell any other person as a slave, and whoever shall offend against this provision, shall be deemed guilty of a misdemeanor, and on conviction, shall be subject to a fine not exceeding two thousand dollars, or to imprisonment in the county jail not exceeding three years, or to imprisonment in a State prison not exceeding fourteen years.

S. 9. If the person so sold as a slave, be at the time held in slavery, or in any manner bound to service, to the individual selling him, or with whose consent or knowledge he shall be sold, he shall

thereupon, by the fact of such sale, become emancipated and discharged from all obligations of service.

S. 10. No person who hath been imported or brought into this State as a slave, since the 8th day of April, in the year 1801, shall be transferred for any term of time; and every person transferred shall be free from all obligations of service to the individual transferring him, or with whose knowledge he shall be transferred.

S. 11. Every indenture, bond, or contract for personal services, made since the 30th day of March, 1810, or which shall hereafter be made or entered into, by any person who has been held or possessed as a slave without this State, shall be utterly void; and all such contracts, made by any person who has been held as a slave within this State, shall also be void.

S. 12. No person shall send, export or carry out of this State any person who hath been held as a slave, or as a servant for a term of years, in consequence of his having been born of a person held in slavery, except as herein provided; and whoever shall offend against this provision, or shall attempt to send, export, or carry out of this State, any such slave or such servant, or be aiding and consenting to such exportation or attempt, except as aforesaid, shall be deemed guilty of a misdemeanor; and every person so exported, or attempted to be exported, shall be free and discharged from all obligations of service to the individual so exporting him, or with whose knowledge or privity he shall be so exported.

S. 13. The provissions in the preceding section, shall not be applicable to any slave or servant who shall be pardoned by the executive on condition of leaving this State.

S. 14. Any inhabitant of this State, going a journey to any other part of the United States, may carry with him any person by him lawfully held to service as aforesaid; such inhabitant, on his own return to this State, shall bring back with him every person so carried away by him; and in default thereof he shall be deemed guilty of a misdemeanor, unless it shall appear that within one month after such return, he filed with the clerk of the city or town in which he resides, a certificate signed by a judge of the county courts of the county, or by the mayor or recorder of the city, stating that it hath satisfactorily appeared to such officer, by the oath of such inhabitant or otherwise, that the person held to service and not brought back as aforesaid, could not be brought back as herein required, by reason of some unavoidable accident.

S. 15. Whenever any person of colour, owing service or labor in any other State of the United States, shall secrete himself on board of a vessel lying in any port or harbor of such State, and shall be brought into this State in such vessel, the captain or commander thereof, or his agent, may seize such person of colour, and take him before the mayor or recorder of the city of New York. The officer before whom such person shall be brought, shall inquire into the circumstances, and if it appear, upon proper testimony, that such person of colour owes services or labor in any other State, and that he

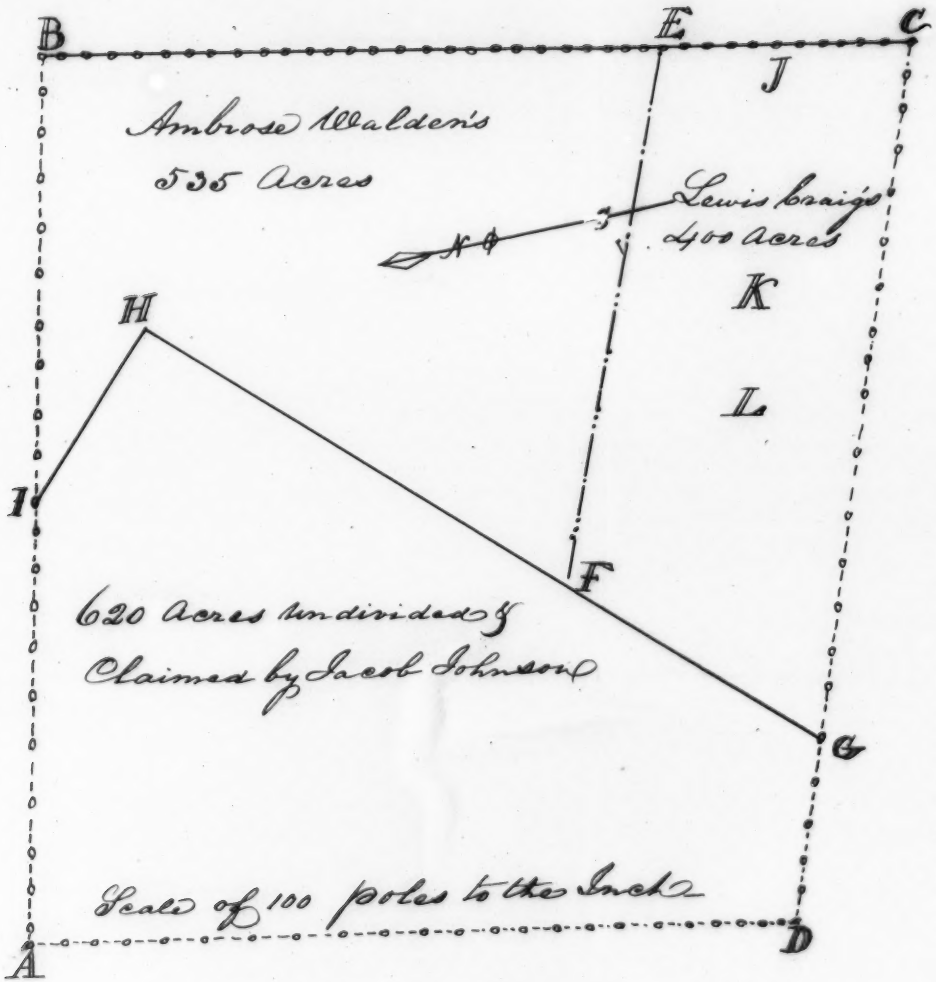
did secrete himself on board of such vessel, without the knowledge or consent of the captain or commander thereof, and that by so doing he subjected such captain to any penalty, such officer shall furnish a certificate thereof, to such captain or commander, which shall be a sufficient warrant to him, to carry or send such person of colour, to the port or place from which he was so brought as aforesaid.

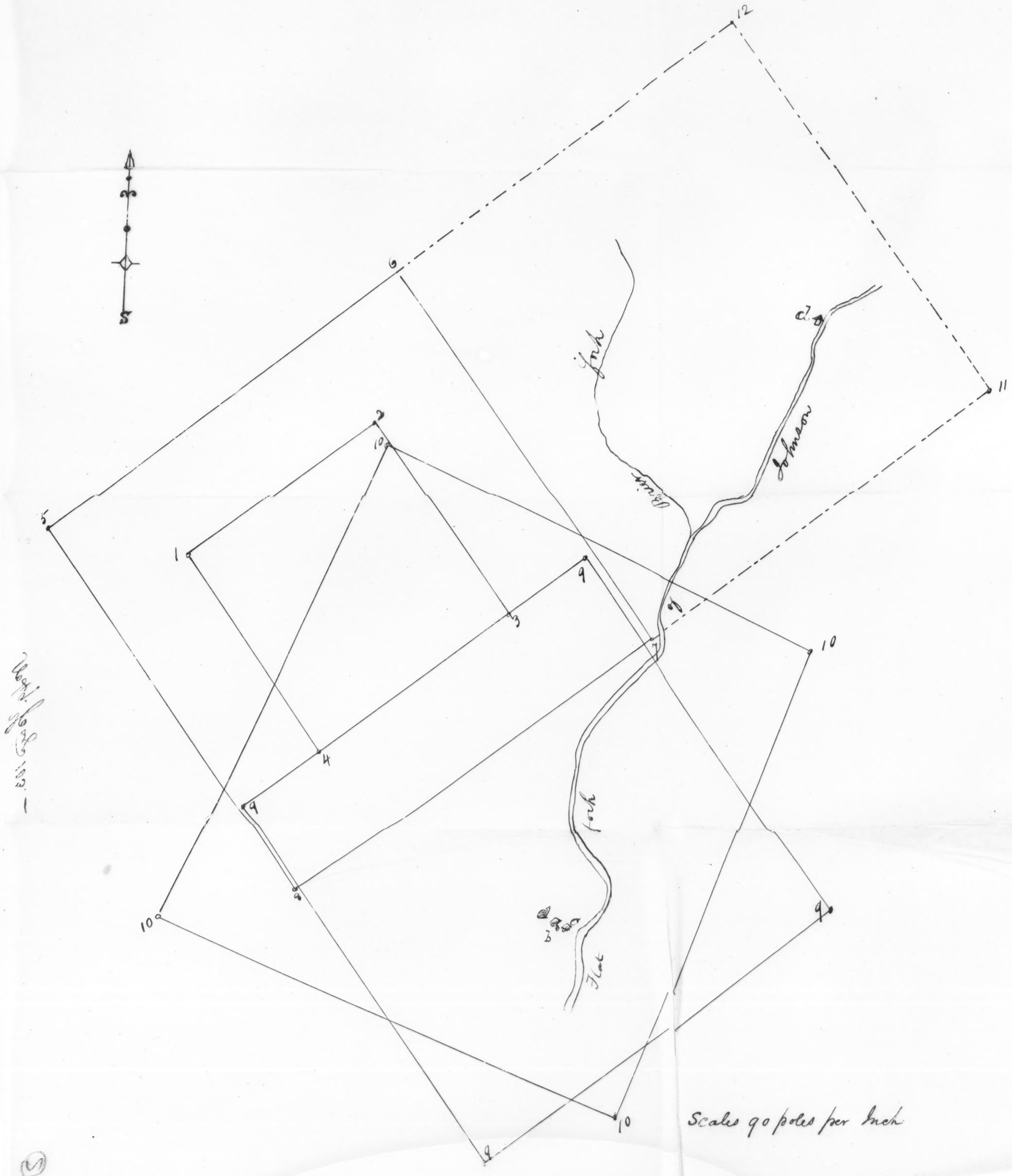
S. 16. Every person born within this State, whether white or colored, is free; every person who shall heareafter be born within in this State shall be free; and every person brought into this State as a slave, except as authorised by this title shall be free.

All which we have exemplified by these presents, and caused the seal of our said circuit court to be hereunto affixed.

Witness the honorable Roger B. Taney, Esq., Chief Justice of the Supreme Court of the United States, at New Haven in the district of Connecticut, this twenty-ninth day of April A. D. 1840.

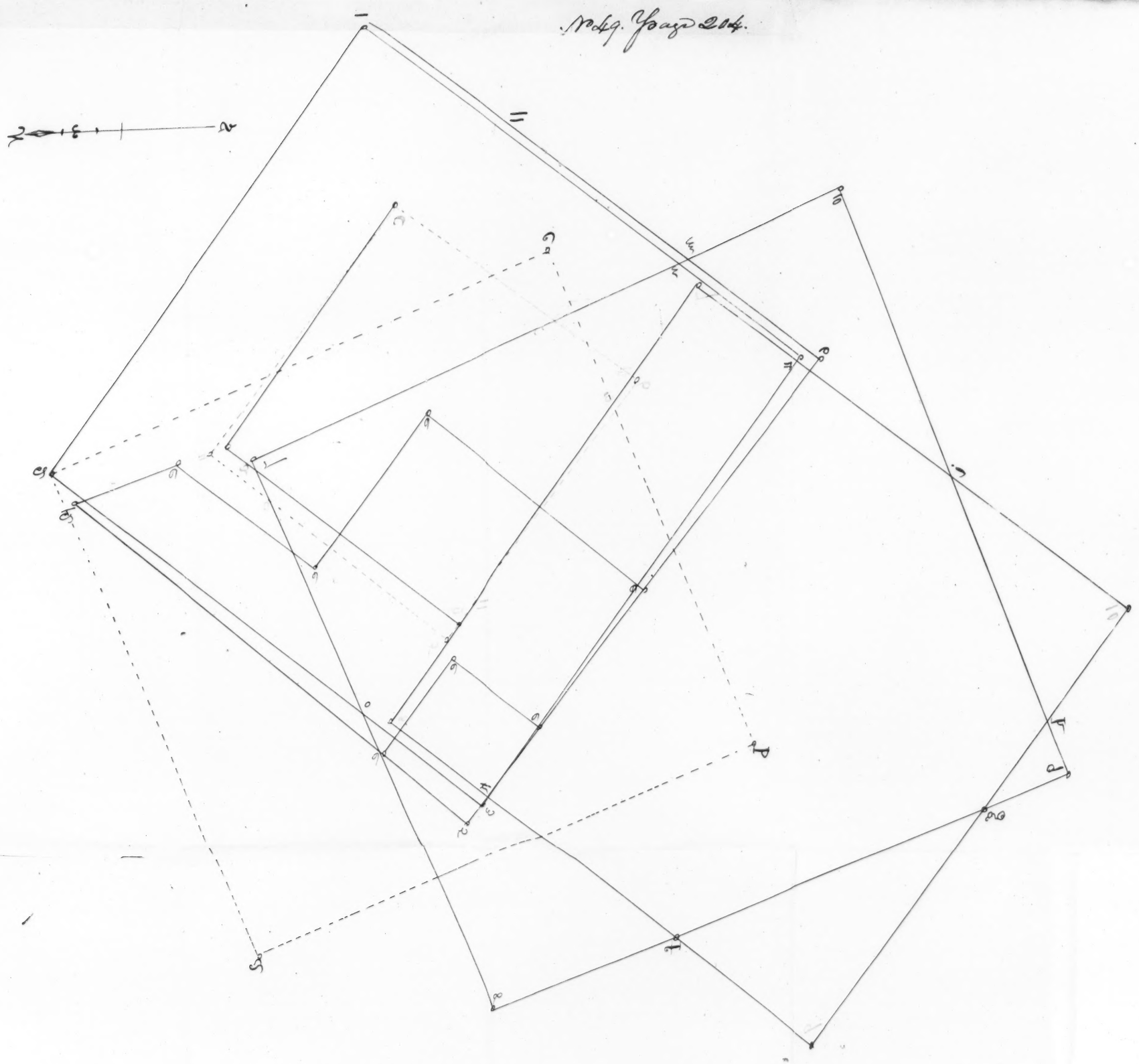
Attest: CHARLES A. INGERSOLL, *Clerk*.


B
E
C
J
Ambrose Walden's
535 Acres
Lewis Craig's
400 Acres
K
H
L
I
F
620 Acres undivided &
Claimed by Jacob Johnson
G
Scale of 100 poles to the Inch
A
D



Scales 90 poles per inch

Mdg. Yoaz 204.



Ohio River

Mouth of Cabin Creek

Mouth of Mill Creek

Indian Lick

Mill Creek

Lees Creek

Mouth of Limestone Creek

Flocktons Spring

A. Bens McFatons camp

Main Road to Mt Pleasant

Mud Lick Branch

Licking

Fork of Flocktons

Tool Lake

T

E

F

L

D

C

G

K

H

B

R

S

W

P

I

A

Scale of Miles

Mouth of Mill Creek

Adair Lick

Mill Creek

Lees Creek

Johnstons Spring

A. Bones McIntosh's camp

Upper Blue Lick

Johnstons Creek

Mud Lick Branch etc

Licking

Johnstons Fork

Mud Lick Fork

Blue Licks

Lower Blue Licks

A B C D E F G H I K L M N P R S W

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

(1) (2) (3)

4

COPY.

Acc. Sales of 200 bales Cotton, per Mary and Harriet, from Mobile, for W. J. McGran.

1833. June 3. By J. Lees & Brothers for the whole. Payment 10 ds. and 3 mos.

M G

| | | |

1st Line West 400 Chains
2d Line North 400 Chains
3d Line East 400 Chains
4th Line South 400 Chains
Hammock
Pine
16.000 Acres
Pine
Hammock
Spring
Swamps

Hammock

Pine

Savanna

Swamp

Branch of Little St. Marys River

Cabbage Swamp

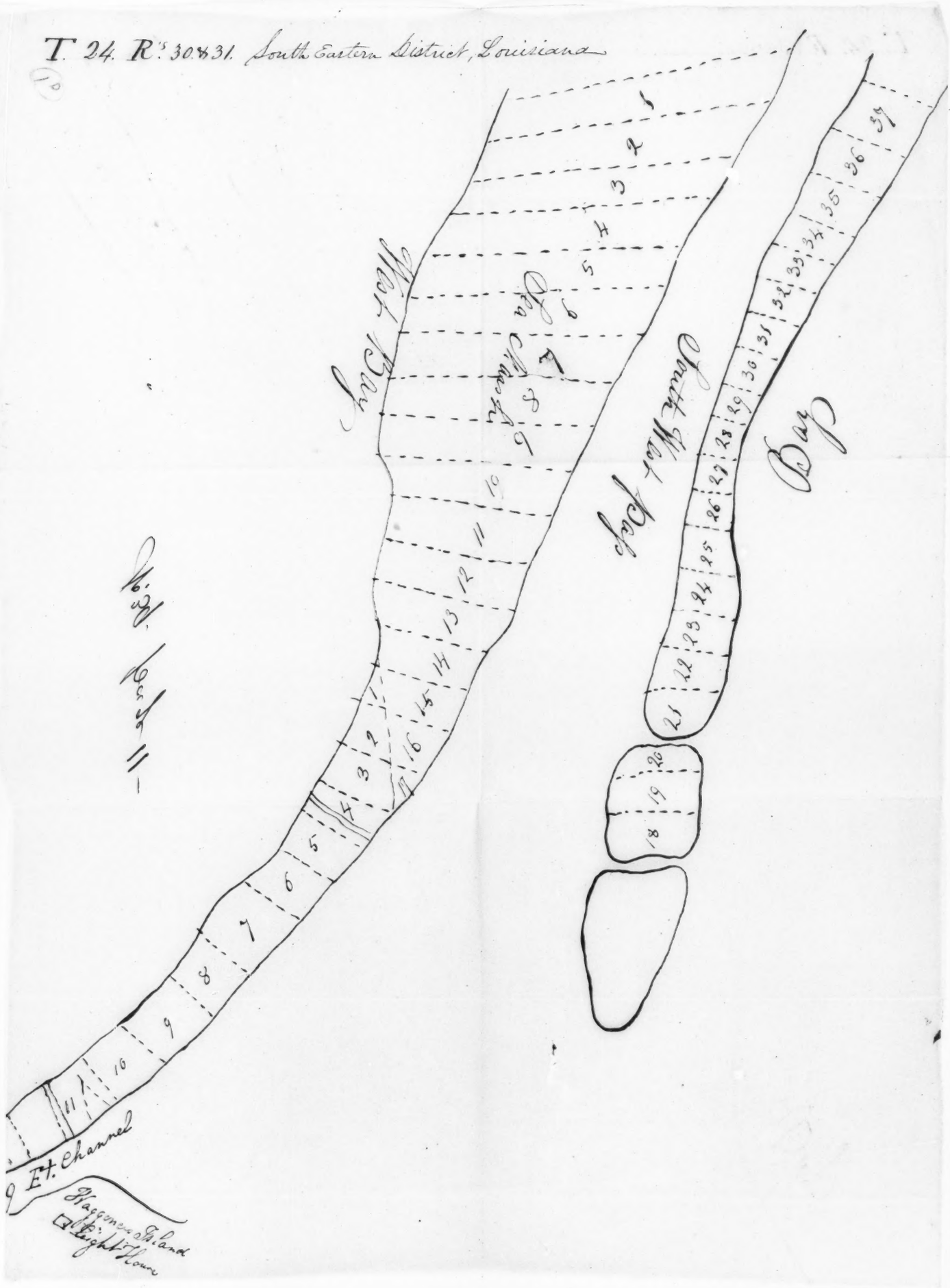
7,000 Acres

Scale - one inch to 2 chains

2° S 80° W 286

2° S 10 E 246

Pine
Pine
Pine
Pine
3d Line S 20 W 328 c
2d Line N 70 W 457½ c
1st Line N 20° E 328 chains
4th Line S. 70° E 457½ c
Branch
Branch
Swamp
Swamp
Pine Land
15000 Acres
Cane brake
Mill Swamp of the head of Mosquo river
Hammock
Pine Land
Swamp
Hammock
Hammock
Pine Land
Swamp
Swamp
Mill Swamp on the head of Mosquo river
Swamp


T. 24. R.s 30 & 31. South Eastern District, Louisiana
Mississippi
Mississippi
Mississippi